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LEGISLATIVE HISTORY

203498

Public Law 437--81st Congress

Chapter 790--1st Session

H. R. Res. 33

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FORT BERTHOLD RESERVATION LANDS. Provides for ratification of a contract for the purchase by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, of certain lands needed for the construction of the Garrison Dam, North Dakota. Provides for a board of appraisal, to include a member designated by the Secretary of Agriculture, to appraise the lands and improvements located within the taking area. Provides that when electric power is available from the Garrison Dam project, these Indians shall have equal rights with others under the Rural Electrification Act for electric power.

January 3, 1949	H. J. Res. 33 was introduced by Rep. Lemke and was referred to the House Committee on Public Lands. Print of the resolution as introduced.
April 29, 1949	Hearings: House, H. J. Res. 33.
May 9, 1949	House Committee reported H. J. Res. 33 with amendments. House Report 544. Print of the resolution as reported.
June 6, 1949	House debated and passed H. J. Res. 33 as reported.
June 7, 1949	Print of H. J. Res. 33 as referred to the Senate Committee on Interior and Insular Affairs.
July 1, 1949	Senate Committee reported H. J. Res. 33 with amendments. Senate Report 605. Print of the resolution as reported.
July 6, 1949	Senate debated and passed H. J. Res. 33 as reported.
July 14, 1949	House conferees appointed.
July 18, 1949	Senate conferees appointed.
October 18, 1949	Senate agreed to the conference report.
October 19, 1949	House received and agreed to the conference report. House Report 1453.
October 29, 1949	Approved. Public Law 437.
November 22, 1949	Memorandum of explanation. C. U. Samenow. REA.

81ST CONGRESS
1ST SESSION

H. J. RES. 33

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1949

Mr. LEMKE introduced the following joint resolution; which was referred to the Committee on Public Lands

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That, subject to the additional terms and conditions herein-
- 4 after set forth in sections 2 to 11, inclusive, which are made
- 5 a part of this ratification, the following contract by and
- 6 between the United States of America and the Three Affili-
- 7 ated Tribes of the Fort Berthold Reservation, North Dakota,
- 8 entered into on May 20, 1948, pursuant to the provisions
- 9 of the War Department Civil Appropriation Act, 1948

1 (Public Law 296, Eightieth Congress), is hereby ratified
2 by the Congress, to wit:

3

CONTRACT

4 BY AND BETWEEN THE UNITED STATES AND
5 THE INDIANS OF THE FORT BERTHOLD
6 RESERVATION AS PROVIDED FOR BY PUB-
7 LIC LAW 296, EIGHTIETH CONGRESS, FIRST
8 SESSION

9 This contract, made and entered into this 20th day
10 of May, 1948, by and between the United States of America,
11 hereinafter called the "government", represented by the
12 Chief of Engineers, United States Army, and the Three
13 Affiliated Tribes of the Fort Berthold Reservation, North
14 Dakota, hereinafter called the "tribes", with the approval
15 of a majority of the adult members of said tribes, witnesseth
16 that:

17 Whereas, an item in the War Department's Civil Appro-
18 priations Act, 1948 (Public Law 296, Eightieth Congress,
19 approved July 31, 1947), appropriating funds for "Flood
20 Control, General", provides:

21 "Garrison (North Dakota) Reservoir: For acquisition
22 of the lands and rights therein within the taking line of
23 Garrison Reservoir which lands lie within the area now
24 established as the Fort Berthold Indian Reservation, North
25 Dakota, including all elements of value above or below the

1 surface thereof and including all improvements, severance
2 damages and reestablishment and relocation costs the sum
3 of \$5,105,625, which said sum is included in the total
4 allocated under this Act for the said Garrison Reservoir
5 and which shall be deposited in the Treasury of the United
6 States to the credit of the Three Affiliated Tribes of Fort
7 Berthold Reservation, to be subject to withdrawal and dis-
8 bursement as herein provided. This amount is made avail-
9 able subject to the following conditions subsequent and in
10 the event the said conditions are not complied with then
11 this amount shall lapse and be thereby null and void. Said
12 conditions subsequent are:

13 That a contract between the United States and the said
14 Three Affiliated Tribes shall be negotiated and approved
15 by a majority of the adult members of said tribes and enacted
16 into law by the Congress, providing for the conveyance of
17 said lands and interests and the use and distribution of said
18 fund and that disbursements from said fund shall be made
19 forthwith in accordance with said approved contract and
20 Act of Congress.

21 That said contract shall be submitted to the Congress
22 on or before the first day of June 1948: *Provided, however,*
23 That, notwithstanding said contract or the provisions of this
24 Act, the said Three Affiliated Tribes may bring suit in
25 the Court of Claims as provided in section 24 of the Act

1 of August 13, 1946, on account of additional damages, if
2 any, alleged to have been sustained by said tribes by reason
3 of the taking of the said lands and rights in the said Fort
4 Berthold Indian Reservation on account of any treaty
5 obligation of the Government or any intangible cost of
6 reestablishment or relocation, for which the said tribes are
7 not compensated by the said \$5,105,625."

8 Now, Therefore, the parties hereto do mutually agree
9 as follows:

10

ARTICLE I

11 The tribes, notwithstanding this contract, reserve to them-
12 selves all their rights and privileges to pursue further their
13 claims against the government by filing suit in the Court
14 of Claims in accordance with Public Law 296 or by petition-
15 ing Congress for additional relief legislation, or both.

16

ARTICLE II

17 The lands to be taken or acquired by the United States
18 under this contract, to be hereinafter referred to as the
19 "Taking Area", are described as follows:

20

PART A—WITHIN RESERVATION BOUNDARIES

21 Beginning at the Northwest corner of Section 6, Town-
22 ship 150 North, Range 93 West of the 5th P. M.; thence
23 East to the West sixteenth line; thence South to the East
24 and West quarter line; thence East to center of said Section;
25 thence South to South quarter corner; thence East to the

1 West line of the East half of the Southwest quarter of the
 2 Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) ; thence North to South
 3 sixteenth line; thence East to East Section line; thence
 4 South to Southeast corner of said Section 6; thence West
 5 to West line of the East half of the East half of the North-
 6 east quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to
 7 East and West quarter line; thence East to the East line
 8 of the West half of the Northwest quarter of the Southwest
 9 quarter of Section 8; thence South to South sixteenth line;
 10 thence East to the North and South quarter line; thence
 11 North to center of said Section; thence East to East Section
 12 line; thence South to South sixteenth line; thence West
 13 to the East sixteenth line; thence South to North sixteenth
 14 line of Section 17; thence East to the West sixteenth line
 15 of Section 16; thence North to North Section line; thence
 16 East to North quarter corner; thence South to center of
 17 said Section; thence East to East sixteenth line of Section
 18 15; thence South to South sixteenth line; thence West to
 19 North and South quarter line; thence South to North line
 20 of the South half of the Southeast quarter of the Southwest
 21 quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) ; thence West to West sixteenth line;
 22 thence South to the South Section line; thence West to
 23 the Southwest corner of Section 15; thence South to North
 24 sixteenth line of Section 22; thence East to North and South
 25 quarter line; thence North to the North line of the South

1 half of the Northwest quarter of the Northeast quarter
 2 ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) ; thence East to East sixteenth line; thence
 3 North to the North line of Section 22; thence East to West
 4 line of the East half of the Southeast quarter of the South-
 5 east quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to
 6 the South sixteenth line; thence East to West sixteenth line
 7 of Section 14; thence South to the South Section line;
 8 thence West to the Southwest corner of said Section 14;
 9 thence South to the North sixteenth line of Section 23;
 10 thence East to the West sixteenth line; thence South to the
 11 South sixteenth line; thence East to the East sixteenth
 12 line; thence North to the North sixteenth line; thence East
 13 to the East Section line; thence North to the Northeast
 14 corner of Section 23; thence East to the East line of the
 15 West half of the East half of the Northwest quarter of
 16 Section 24; thence South to East and West quarter line;
 17 thence West to the East line of the West half of the West
 18 half of the Southwest quarter; thence South to South Section
 19 line; thence East to East sixteenth line; thence North to
 20 East and West quarter line; thence East to the East quarter
 21 corner of Section 24, Township 150 North, Range 93
 22 West of the 5th P. M.; thence East to West sixteenth line
 23 of Section 19, Township 150 North, Range 92 West of
 24 the 5th P. M.; thence South to North sixteenth line of
 25 Section 30; thence East to East line of Section 30; thence

1 South to the North line of the South half of the Southwest
 2 quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section
 3 29; thence East to the West sixteenth line; thence North
 4 to the South line of the North half of the Northwest quarter
 5 of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West
 6 to the West Section line; thence North to South sixteenth
 7 line of Section 20; thence East to the West sixteenth line;
 8 thence South to South Section line; thence East to the
 9 East sixteenth line; thence North to the East and West
 10 quarter line; thence East to the East quarter corner of
 11 Section 20; thence South to the West quarter corner of
 12 Section 28; thence East to center of said Section; thence
 13 South to South sixteenth line; thence East to the East
 14 Section line; thence South to the Southeast corner of Sec-
 15 tion 28; thence East to the East sixteenth line of Section
 16 34; thence South to the North sixteenth line; thence East
 17 to West sixteenth line of Section 35; thence North to the
 18 North Section line; thence East to the North quarter corner
 19 of Section 35; thence North to the center of Section 26;
 20 thence East to the East sixteenth line; thence North to
 21 South sixteenth line of Section 23; thence West to the
 22 North and South quarter line; thence North to the
 23 North sixteenth line; thence West to the West line of
 24 the East half of the Northwest quarter of the Northwest
 25 quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth

1 line of Section 14; thence East to the North and South
 2 quarter line; thence South to South Section line; thence
 3 East to West sixteenth line of Section 13; thence North
 4 to South sixteenth line; thence East to North and South
 5 quarter line; thence South to South quarter corner;
 6 thence East to the East sixteenth line; thence North to
 7 South sixteenth line; thence East to East line of Section
 8 13, Township 150 North, Range 92 West of the 5th P. M.;
 9 thence North to the West quarter corner of Section 18,
 10 Township 150 North, Range 91 West; thence East to
 11 the West sixteenth line; thence North to North sixteenth
 12 line; thence East to East sixteenth line; thence North to
 13 the North Section line; thence West to the North quarter
 14 corner of Section 18; thence North to South sixteenth
 15 line of Section 7; thence East to the East Section line;
 16 thence North to the Northeast corner of Section 7; thence
 17 West to South quarter corner of Section 6; thence North
 18 to center of Section 6; thence West to West sixteenth line;
 19 thence North to North line of Section 6; thence East along
 20 Township line between Townships 150 & 151 North to
 21 the Northwest corner of Section 1; thence South to West
 22 quarter corner; thence East to West sixteenth line; thence
 23 South to South sixteenth line; thence East to North and
 24 South quarter line; thence South to South Section line;
 25 thence East to Southeast corner of Section 1, Township

1 150 North, Range 91 West of 5th P. M.; thence South
 2 to the North line of the South half of Lot 2 of Section 7,
 3 Township 150 North, Range 90 West of the 5th P. M.;
 4 thence East to the West line of the East 20 acres of Lot 2;
 5 thence South to the East and West quarter line; thence
 6 West to the West quarter corner; thence South to the
 7 Southwest corner of Section 7; thence East to the West
 8 line of the East 20 acres of Lot 1 of Section 18; thence
 9 South to South line of said Section 18; thence East to
 10 the West sixteenth line of Section 19; thence South to
 11 North sixteenth line; thence West to West Section line;
 12 thence South to Southwest corner; thence East to the
 13 South quarter corner; thence North to center of Section;
 14 thence East to East quarter corner; thence South to North
 15 sixteenth line of Section 29; Thence East to North and
 16 South quarter line; Thence South to center of Section;
 17 thence West to West quarter corner of Section 29; thence
 18 South to South sixteenth line of Section 30; thence West
 19 to West sixteenth line; thence South to the South line
 20 of Section 31, Township 150 North, Range 90 West of
 21 the 5th P. M.; thence South along the West sixteenth
 22 line of Section 6, Township 149 North, Range 90 West
 23 of the 5th P. M. to the South line of said Section 6;
 24 thence East to North quarter corner of Section 7; thence

1 South to South sixteenth line; thence East to the West
 2 sixteenth line of Section 8; thence North to East and
 3 West quarter line; thence West to West line of the East
 4 half of the Southwest quarter of the Northwest quarter
 5 ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the
 6 Southeast quarter of the Northwest quarter of the North-
 7 west quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East
 8 line of the Southwest quarter of the Northeast quarter of
 9 the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to
 10 North sixteenth line; thence East to the West line of
 11 the East half of the Northwest quarter of the Northeast
 12 quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Sec-
 13 tion line; thence East to the Northeast corner of Section 8;
 14 thence North to South sixteenth line of Section 4; thence
 15 East to West sixteenth line; thence North to East and
 16 West quarter line; thence East to center of Section; thence
 17 South to South sixteenth line; thence East to East sixteenth
 18 line; thence South to North sixteenth line of Section 9;
 19 thence East to East line of Section 9; thence South to
 20 South sixteenth line of Section 10; thence East to West
 21 sixteenth line; thence North to North Section line; thence
 22 East to East sixteenth line; thence South to East and
 23 West quarter line; thence East to East quarter corner of
 24 Section 10; thence South to South sixteenth line of Section
 25 11; thence East to West sixteenth line of Section 11;

1 thence South to South Section line; thence East to East
 2 sixteenth line; thence North to East and West quarter
 3 line; thence East to East quarter corner of Section 11;
 4 thence South to South sixteenth line of Section 12; thence
 5 East to East Section line; thence South to North sixteenth
 6 line of Section 13; thence West to the East line of the
 7 West half of the Southeast quarter of the Northeast quarter
 8 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter
 9 line; thence West to the East sixteenth line; thence South
 10 to South line of Section 13; thence East to the East line
 11 of the West half of the Northeast quarter of the Northeast
 12 quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to
 13 the North sixteenth line; thence West to the West sixteenth
 14 line; thence North to the North Section line; thence West
 15 to the Northwest corner of Section 24; thence South to
 16 the North sixteenth line of Section 23; thence West to
 17 North and South quarter line; thence North to the North
 18 line of the South half of the North half of the Northwest
 19 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South
 20 quarter line of Section 22; thence South to center of
 21 Section; thence West to the East line of the West
 22 half of the Southeast quarter of the Northwest quarter
 23 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 24 thence West to East sixteenth line of Section 21; thence
 25 South to East and West quarter line; thence West to

1 the East line of the West half of the West half of the
 2 Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South
 3 Section line; thence East to Southeast corner of Section
 4 21; thence South to North sixteenth line of Section 27;
 5 thence East to West sixteenth line; thence South to East
 6 and West quarter line; thence East to center of Section;
 7 thence South to South sixteenth line; thence West to
 8 North and South quarter line of Section 28; thence North
 9 to center of Section; thence West to West sixteenth line;
 10 thence South to South sixteenth line; thence West to West
 11 Section line; thence South to West quarter corner of Sec-
 12 tion 33; thence East to West sixteenth line; thence South
 13 to South line of Section 33, Township 149 North, Range
 14 90 West of the 5th P. M.; thence East along North line
 15 of Section 1, Township 148 North, Range 91 West of the
 16 5th P. M. to the Northeast corner; thence South to South
 17 sixteenth line; thence West to East sixteenth line; thence
 18 South to East and West quarter line of Section 12; thence
 19 West to center of Section; thence South to South Section
 20 line; thence West to East sixteenth line of Section 14;
 21 thence South to East and West quarter line; thence West
 22 to East line of the West half of the Northwest quarter
 23 of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to
 24 South sixteenth line; thence West to North and South
 25 quarter line; thence South to South quarter corner; thence

1 East to Southeast corner of Section 14; thence South to
 2 North sixteenth line of Section 24; thence East to West
 3 sixteenth line; thence South to East and West quarter line;
 4 thence East to East sixteenth line; thence North to North
 5 Section line; thence East to Northeast corner of Section
 6 24, Township 148 North, Range 91 West of the 5th P. M.;
 7 thence South to West quarter corner of Section 19, Town-
 8 ship 148 North, Range 90 West of the 5th P. M.; thence
 9 East to center of Section; thence South to South sixteenth
 10 line; thence East to East line of Section 19; thence North
 11 to North sixteenth line of Section 20; thence East to North
 12 and South quarter line; thence South to South sixteenth
 13 line; thence East to East sixteenth line; thence South to
 14 South Section line; thence East to the East line of the
 15 West half of the Northwest quarter of the Northwest quarter
 16 ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North
 17 sixteenth line; thence East to the North and South quarter
 18 line; thence North to the South sixteenth line of Section
 19 21; thence East to West line of the East half of the North-
 20 west quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 21 thence North to North sixteenth line; thence East to the
 22 East sixteenth line; thence South to East and West quarter
 23 line; thence East to the East quarter corner; thence South
 24 to the North sixteenth line of Section 27; thence East to
 25 the West sixteenth line; thence South to East and West

1 quarter line; thence East to East quarter corner; thence
 2 North to North sixteenth line; thence West to East sixteenth
 3 line; thence North to North section line; thence East to
 4 West sixteenth line of Section 26; thence South to East
 5 and West quarter line; thence East to East line of the
 6 West half of the East half of the Southwest quarter
 7 ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence
 8 East to Southeast corner of Section 26; thence North to
 9 the West quarter corner of Section 25; thence East to West
 10 sixteenth line; thence South to South sixteenth line; thence
 11 East to East sixteenth line; thence South to South Section
 12 line; thence East to Southeast corner of Section 25, Town-
 13 ship 148 North, Range 90 West of the 5th P. M.; thence
 14 North to South sixteenth line of Section 30, Township
 15 148 North, Range 89 West of the 5th P. M.; thence East
 16 to West sixteenth line; thence South to North sixteenth
 17 line of Section 31; thence West to West Section line;
 18 thence South to Southwest corner; thence East to West
 19 sixteenth line; thence North to East and West quarter line;
 20 thence East to East sixteenth line; thence North to North
 21 sixteenth line; thence East to the East line of Section 31;
 22 thence South to South sixteenth line of Section 32; thence
 23 East to North and South quarter line; thence South to South
 24 quarter corner; thence East to East sixteenth line; thence
 25 North to South sixteenth line; thence East to East Sec-

1 tion line; thence South to Southeast corner of Section 32,
 2 Township 148 North, Range 89 West of the 5th P. M.;
 3 thence West to the West line of the East half of Lot 1
 4 of Section 5, Township 147 North, Range 89 West of
 5 the 5th P. M.; thence South to East and West quarter
 6 line; thence East to West sixteenth line of Section 4:
 7 thence North to North sixteenth line; thence East to East
 8 line of Section 4; thence South to South sixteenth line of
 9 Section 3; thence East to West sixteenth line; thence South
 10 to South line of Section 3; thence East to the East line of the
 11 West half of the Northwest quarter of the Northeast quarter
 12 of Section 10; thence South to North sixteenth line; thence
 13 East to the East sixteenth line; thence South to the East
 14 and West quarter line; thence East to East quarter corner
 15 of Section 10; thence South to South sixteenth line of
 16 Section 11; thence East to North and South quarter line of
 17 Section 12; thence North to North sixteenth line; thence
 18 West to West Section line; thence North to Northwest
 19 corner of Section 12; thence East to West sixteenth line
 20 of Section 1; thence North to South sixteenth line; thence
 21 West to West section line; thence North to North line
 22 of the South half of the Southwest quarter of the Northwest
 23 quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth
 24 line; thence South to East and West quarter line; thence
 25 East to center of Section; thence South to South quarter

1 corner; thence East to Southeast corner of Section 1, Town-
 2 ship 147 North, Range 89 West of the 5th P. M.; thence
 3 South to the North line of the South half of Lot 1 of
 4 Section 7, Township 147 North, Range 88 West of the
 5 5th P. M.; thence East to the West sixteenth line; thence
 6 North to the North line of Section 7; thence East to the
 7 South quarter corner of Section 6; thence North to the
 8 North line of the South half of the Southwest quarter of
 9 the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence East to the
 10 East sixteenth line; thence South to the South line of the
 11 North half of the Northwest quarter of the Northeast quarter
 12 ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and
 13 South quarter line; thence South to the North line of the
 14 South half of the North half of the Southeast quarter
 15 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East Section line; thence
 16 North to the East quarter corner of Section 7; thence East
 17 to the West line of the East half of the Southwest quarter
 18 of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8;
 19 thence North to the North sixteenth line; thence East to
 20 the North and South quarter line; thence North to the
 21 North quarter corner; thence East to the Northeast corner;
 22 thence South to the South line of the North half of the
 23 Northeast quarter of the Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$);
 24 thence West to East sixteenth line; thence South to the
 25 South line of the North half of the Southwest quarter of

1 the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence West to
 2 North and South quarter line; thence South to center of
 3 Section; thence West to the East line of the West half of
 4 the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 5 thence South to the South line of Section 8; thence West
 6 to West sixteenth line of Section 17; thence South to the
 7 North line of the South half of the Northeast quarter
 8 of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to
 9 East sixteenth line; thence North to North line of Section
 10 17; thence East to West line of the East half of the South-
 11 east quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Sec-
 12 tion 8; thence North to South sixteenth line; thence East
 13 to East line of Section 8; thence South to North line of
 14 the South half of the South half of the Southwest quarter
 15 ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South
 16 quarter line; thence South to South quarter corner of Sec-
 17 tion 9; thence West to West sixteenth line of Section 16;
 18 thence South to North line of the South half of the North-
 19 west quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$);
 20 thence West to West Section line; thence South to North
 21 line of the South half of the Southwest quarter of the
 22 Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West
 23 sixteenth line; thence South to East and West quarter line;
 24 thence East to center of Section; thence South to South

1 sixteenth line; thence West to West sixteenth line; thence
 2 South to South Section line; thence East to Southeast corner
 3 of Section 16; thence North to South sixteenth line of
 4 Section 15; thence East to East sixteenth line; thence North
 5 to North Section line; thence East to Northeast corner
 6 of Section 15; thence South to North sixteenth line of
 7 Section 14; thence East to North and South quarter line;
 8 thence South to center of Section; thence East to East
 9 quarter corner of Section 14; thence North to North line
 10 of the South half of the North half of the Northwest
 11 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North
 12 and South quarter line; thence South to North sixteenth
 13 line; thence East to East sixteenth line; thence North to
 14 North line of the South half of the Northeast quarter of
 15 the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East
 16 line of Section 13, Township 147 North, Range 88 West
 17 of the 5th P. M.; thence North to West quarter corner
 18 of Section 7, Township 147 North, Range 87 West of the
 19 5th P. M.; thence East to center of Section; thence North
 20 to North quarter corner; thence East to East sixteenth line;
 21 thence South to East and West quarter line; thence East
 22 to East quarter corner of Section 7; thence North to North
 23 line of the South half of the Southwest quarter of the North-
 24 west quarter of Section 8; thence East to West sixteenth
 25 line; thence North to North sixteenth line; thence East to

1 West line of the East half of the Northeast quarter of
 2 the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to
 3 North Section line; thence East to East line of the West
 4 half of the Northwest quarter of the Northeast quarter
 5 ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line;
 6 thence West to North and South quarter line; thence South
 7 to center of Section; thence West to East line of the West
 8 half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 9 thence South to South Section line; thence East to East
 10 sixteenth line; thence North to North line of the South
 11 half of the Southeast quarter of the Northeast quarter
 12 ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence
 13 South to Southeast corner of Section 8; thence East to South
 14 quarter corner of Section 9; thence North to North line of
 15 the South half of the North half of the Southeast quarter
 16 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9;
 17 thence South to South sixteenth line of Section 10; thence
 18 East to the East line of the Northwest quarter of the South-
 19 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 20 thence South to the North line of the Southeast
 21 quarter of the Southeast quarter of the Southwest quarter
 22 ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 23 North to South sixteenth line; thence East to the East line
 24 of the West half of the Southwest quarter of the Southwest
 25 quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to

1 the South line of the Northwest quarter of the Northwest
 2 quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of
 3 Section 14; thence West to the East line of the Southwest
 4 quarter of the Northeast quarter of the Northeast quarter
 5 ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East
 6 and West quarter line; thence East to East quarter corner
 7 of Section 15; thence South to the North line of the South
 8 half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$)
 9 of Section 14; thence East to North and South quarter line;
 10 thence South to the North line of the South half of the
 11 South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence
 12 East to the East line of Section 14; thence North to the
 13 South sixteenth line of Section 13; thence East to the West
 14 line of the East half of the Northwest quarter of the South-
 15 west quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 16 West quarter line; thence East to an intersection with the
 17 East boundary of the Fort Berthold Indian Reservation,
 18 as surveyed, at a point 2,321 feet East of the East quarter
 19 corner of Section 13, Township 147 North, Range 87 West
 20 of the 5th P. M.; thence South 25° West along said
 21 Reservation Boundary Line, as surveyed, to the low water
 22 line of the right bank of the Missouri River; thence up-
 23 stream along said low water line of the right bank of the
 24 Missouri River to a point 1,663 feet North and 1,305 feet
 25 West of the East quarter corner of Section 1, Township 146

1 North, Range 88 West of the 5th P. M., said point being
 2 on the East boundary of the Ft. Berthold Indian Reserva-
 3 tion, as surveyed; thence South $53^{\circ} 09'$ West along said
 4 Reservation Boundary, as surveyed, to the East line of
 5 Section 16; thence North to the South sixteenth line of
 6 Section 10; thence East to West sixteenth line; thence North
 7 to East and West quarter line; thence West to West quarter
 8 corner of Section 10; thence North to North sixteenth line
 9 of Section 9; thence West to North and South quarter line;
 10 thence South to center of Section; thence West to West
 11 quarter corner; thence North to Northeast corner of Section
 12 8; thence West to East sixteenth line of Section 8; thence
 13 South to South line of Section; thence East to Southeast
 14 corner of Section 8; thence South to North sixteenth line
 15 of Section 16; thence East to West sixteenth line; thence
 16 South to East and West quarter line; thence East to center
 17 of Section; thence South on North and South quarter line
 18 to the Ft. Berthold Indian Reservation Boundary Line;
 19 thence South $53^{\circ} 09'$ West along said Boundary line to
 20 the Southeast corner of Section 17; thence West to the East
 21 sixteenth line of Section 18; thence North to the North line
 22 of Section 18; thence West to the West sixteenth line of
 23 Section 7; thence North to South sixteenth line; thence
 24 East to North and South quarter line; thence North to
 25 center of Section; thence West to West sixteenth line;

1 thence North to North sixteenth line; thence West to the
 2 West line of Section 7, Township 146 North, Range 88
 3 West of the 5th P. M.; thence West on North sixteenth
 4 line of Section 12, Township 146 North, Range 89 West
 5 of the 5th P. M. to the North and South quarter line; thence
 6 South to South sixteenth line; thence East to West line of
 7 the East half of the Southwest quarter of the Southeast
 8 quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section
 9 line; thence West to East line of the West half of the South-
 10 east quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$);
 11 thence North to South sixteenth line; thence West to West
 12 sixteenth line; thence North to East and West quarter line;
 13 thence West to center of Section 11; thence South to North
 14 line of the South half of the North half of the Southwest
 15 quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line;
 16 thence North to West quarter corner of Section 11; thence
 17 West to East sixteenth line of Section 10; thence North
 18 to North sixteenth line; thence East to East Section line;
 19 thence North to Northeast corner of Section 10; thence
 20 East to South quarter corner of Section 2; thence North to
 21 center of Section; thence West to West sixteenth line; thence
 22 North to North sixteenth line; thence East to East section
 23 line; thence North to Northeast corner of Section 2; thence
 24 East to West sixteenth line of Section 1; thence South to
 25 North sixteenth line; thence East to North and South quarter

1 line; thence South to the South line of the North half of the
 2 South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence
 3 East to East line of Section 1, Township 146 North, Range
 4 89 West of the 5th P. M.; thence North to the South six-
 5 teenth line of Section 36, Township 147 North, Range 89
 6 West of the 5th P. M.; thence West to East sixteenth line;
 7 thence North to East and West quarter line; thence West
 8 to West quarter corner of Section 36; thence North to North
 9 sixteenth line of Section 35; thence West to West sixteenth
 10 line; thence North to North Section line; thence West to
 11 Southeast corner of Section 28; thence North to East quarter
 12 corner; thence West to the West line of the East half of the
 13 Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 14 thence South to South sixteenth line; thence West to East
 15 line of the West half of the Northeast quarter of the South-
 16 west quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 17 West quarter line; thence West to West quarter corner of
 18 Section 28; thence North to North sixteenth line of Section
 19 29; thence West to East sixteenth line; thence South to
 20 East and West quarter line; thence West to center of Section;
 21 thence North to North sixteenth line; thence West to West
 22 sixteenth line; thence North to North line of Section 29;
 23 thence East to South quarter corner of Section 20; thence
 24 North to center of Section; thence West to West sixteenth
 25 line; thence South to South sixteenth line; thence West to

1 the West line of the East half of the Northwest quarter of
 2 the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence
 3 North to East and West quarter line; thence West to center
 4 of Section; thence South to South sixteenth line; thence
 5 West to the East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence West to the Southwest
 8 corner of Section 19, Township 147 North, Range 89 West
 9 of the 5th P. M.; thence West to North quarter corner of
 10 Section 25, Township 147 North, Range 90 West of the
 11 5th P. M.; thence South to North Sixteenth line; thence
 12 East to East Section line; thence South to East quarter cor-
 13 ner; thence West to the East line of the West half of the East
 14 half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to
 15 South Section line; thence West to South quarter corner of
 16 Section 26; thence North to South sixteenth line; thence
 17 West to the West Section line; thence South to Southwest
 18 corner of Section 26; thence West to South quarter corner of
 19 Section 27; thence North to center of Section; thence East
 20 to East quarter corner of Section 27; thence North to North
 21 sixteenth line of Section 26; thence East to North and South
 22 quarter line; thence North to center of Section 23; thence
 23 West to West sixteenth line; thence North to North six-
 24 teenth line; thence East to East sixteenth line; thence North
 25 to North line of Section 23; thence East to Southeast corner

1 of Section 14; thence North to East quarter corner; thence
 2 West to East sixteenth line; thence North to North sixteenth
 3 line; thence West to North and South quarter line; thence
 4 South to center of Section; thence West to West quarter
 5 corner of Section 14; thence North to North sixteenth line
 6 of Section 15; thence West to East sixteenth line; thence
 7 South to East and West quarter line; thence West to center
 8 of Section; thence North to North sixteenth line; thence
 9 West to West line of Section 15; thence South to South
 10 sixteenth line of Section 16; thence West to East sixteenth
 11 line; thence South to South Section line; thence West to
 12 South quarter corner; thence North to North quarter corner;
 13 thence West to West sixteenth line; thence South to East
 14 and West quarter line; thence West to West quarter corner
 15 of Section 16; thence South to North sixteenth line of Sec-
 16 tion 20; thence West to East sixteenth line; thence North
 17 to North Section line; thence West to North quarter corner;
 18 thence South to North sixteenth line; thence West to West
 19 sixteenth line; thence North to East and West quarter line
 20 of Section 17; thence West to West quarter corner of said
 21 Section 17; thence North to North line of the South half
 22 of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of
 23 Section 18; thence West to North and South quarter line;
 24 thence North to North quarter corner; thence East to North-

1 east corner of Section 18; thence North to South sixteenth
 2 line of Section 7; thence West to North and South quarter
 3 line; thence North to center of Section; thence West to
 4 West line of the East 20 acres of Lot 5; thence South to
 5 South section line; thence West to Southwest corner of
 6 Section 7, Township 147 North, Range 90 West of the
 7 5th P. M.; thence West along South line of Section 12,
 8 Township 147 North, Range 91 West of the 5th P. M.
 9 to the West line of the East half of the Southeast quarter
 10 of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to
 11 South sixteenth line; thence East to North and South quarter
 12 line; thence North to center of Section; thence West to the
 13 East line of the West half of the Northwest quarter of the
 14 Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South
 15 sixteenth line; thence West to the West line of the East
 16 half of the Northwest quarter of the Southeast quarter
 17 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and
 18 West quarter line; thence East to East sixteenth line; thence
 19 North to North sixteenth line; thence East to East Section
 20 line; thence North to Northeast corner of Section 11; thence
 21 West to the West line of the East half of the Southeast
 22 quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section
 23 2; thence North to South sixteenth line; thence West to
 24 East sixteenth line; thence North to East and West quarter
 25 line; thence West to East sixteenth line of Section 3; thence

1 North to North sixteenth line; thence West to North and
 2 South quarter line; thence North to North quarter corner;
 3 thence West to Northwest corner; thence South to West
 4 quarter corner; thence East to West sixteenth line; thence
 5 South to South sixteenth line of said Section; thence West
 6 to North and South quarter line of Section 4; thence North
 7 to North sixteenth line; thence West to West Section line;
 8 thence South to West quarter corner of Section 4; thence
 9 West to center of Section 5; thence South to South sixteenth
 10 line; thence West to West sixteenth line; thence North to
 11 North sixteenth line; thence West to West line of Section 5;
 12 thence South to East quarter corner of Section 6; thence
 13 West to East sixteenth line; thence North to North line of
 14 said Section 6, Township 147 North, Range 91 West of the
 15 5th P. M.; thence North on East sixteenth line of Section
 16 31, Township 148 North, Range 91 West of the 5th P. M.
 17 to East and West quarter line; thence West to West quarter
 18 corner; thence South to South sixteenth line; thence East
 19 to West sixteenth line; thence South to South line of Sec-
 20 tion 31, Township 148 North, Range 91 West of the 5th
 21 P. M.; thence East to North quarter corner of Section 6,
 22 Township 147 North, Range 91 West of the 5th P. M.;
 23 thence South to North sixteenth line; thence West to West
 24 section line; thence South to West quarter corner; thence
 25 East to the West line of the East 20 acres of Lot 6; thence

1 South to South line of Section 6; thence East to West
 2 sixteenth line of Section 7; thence South to East and
 3 West quarter line; thence East to center of Section;
 4 thence South to South quarter corner; thence West to South-
 5 west corner of Section 7, Township 147 North, Range 91
 6 West of the 5th P. M.; thence West on North line of Sec-
 7 tion 13, Township 147 North, Range 92 West of the 5th
 8 P. M. to the East sixteenth line; thence South to East and
 9 West quarter line; thence West to West quarter corner;
 10 thence North to North West corner of Section 13; thence
 11 East to West sixteenth line of Section 12; thence North to
 12 North Section line; thence West to Southeast corner of
 13 Section 3; thence North to East quarter corner; thence West
 14 to the West line of the East half of the Southwest quarter
 15 of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to
 16 North sixteenth line; thence West to the East line of the
 17 West half of the Southeast quarter of the Northwest quarter
 18 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter
 19 line; thence West to West sixteenth line; thence South to
 20 South sixteenth line; thence West to East sixteenth line of
 21 Section 4; thence North to North sixteenth line; thence
 22 West to East line of the West half of the Southeast quarter
 23 of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South
 24 to South sixteenth line; thence West to West sixteenth line;
 25 thence South to South Section line; thence East to South

1 quarter corner of Section 4; thence South to North sixteenth
 2 line of Section 9; thence West to West sixteenth line; thence
 3 South to North line of the South half of the Northeast
 4 quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence
 5 East to North and South quarter line; thence South to South
 6 quarter corner of Section 9; thence West to West sixteenth
 7 line of Section 16; thence South to East and West quarter
 8 line; thence West to the West line of the East half of the
 9 Southeast quarter of the Northeast quarter of Section 17;
 10 thence North to North line of said Section 17; thence West
 11 to East sixteenth line of Section 8; thence North to South
 12 sixteenth line; thence West to West line of the East half
 13 of the Northwest quarter of the Southeast quarter
 14 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter
 15 line; thence West to center of Section; thence South to
 16 South sixteenth line of Section 17; thence East to East
 17 sixteenth line; thence South to North line of the South half
 18 of the Southeast quarter of the Southeast quarter
 19 ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence
 20 South to Southeast corner; thence West to South quarter
 21 corner of Section 17; thence South to North sixteenth line
 22 of Section 20; thence East to East sixteenth line; thence
 23 South to East and West quarter line; thence West to center
 24 of Section; thence South to South quarter corner of Section
 25 20; thence East to East line of the West half of the North-

1 west quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of
 2 Section 29; thence South to South line of the Northwest
 3 quarter of the Southwest quarter of the Northeast quarter
 4 ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter
 5 line; thence South to South sixteenth line; thence East to
 6 East line of the West half of the Southwest quarter of the
 7 Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South
 8 Section line; thence East to the Southeast corner of Section
 9 29; thence South to West quarter corner of Section 33;
 10 thence East to West sixteenth line; thence South to South
 11 sixteenth line; thence East to North and South quarter line;
 12 thence North to center of Section; thence East to the East
 13 line of the West half of the West half of the Southeast
 14 quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section
 15 33, Township 147 North, Range 92 West of the 5th P. M.;
 16 thence East to Northwest corner of Section 3, Township
 17 146 North, Range 92 West of the 5th P. M.; thence South
 18 to North line of the South half of the South half of the
 19 North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line;
 20 thence South to East quarter corner of said Section 3; thence
 21 East to West sixteenth line of Section 2; thence South to
 22 South sixteenth line; thence East to West line of the East
 23 half of the Southeast quarter of the Southwest quarter
 24 ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the South-
 25 west quarter of the Northeast quarter of the Northwest

1 quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to
 2 West Section line; thence North to South line of the North
 3 half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of
 4 Section 3; thence West to West line of said Section 3;
 5 thence North to South sixteenth line of Section 4; thence
 6 West to North and South quarter line; thence North to center
 7 of Section; thence West to West sixteenth line; thence South
 8 to South sixteenth line; thence West to West Section line;
 9 thence South to Southwest corner of Section 4; thence West
 10 to West line of the East half of the Southwest quarter of
 11 the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence
 12 North to South sixteenth line; thence East to West line of
 13 the East half of the Northeast quarter of the Southeast
 14 quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 15 quarter line; thence East to East quarter corner; thence
 16 North to North sixteenth line; thence West to East six-
 17 teenth line; thence North to North Section line; thence
 18 West to Northwest corner of Section 5, Township 146
 19 North, Range 92 West of the 5th P. M.; thence North to
 20 the South line of the North half of the South half of the
 21 Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township
 22 147 North, Range 92 West of the 5th P. M.; thence West
 23 to North and South quarter line; thence South to South
 24 quarter corner; thence West to Southwest corner of Section;
 25 thence North on the West line of said Section 31, Township

1 147 North, Range 92 West of the 5th P. M. to an inter-
 2 section with the low water line of the Little Missouri River
 3 at the left or North bank of said stream; thence upstream in
 4 a Northwesterly direction with said low water line of the
 5 left bank, a distance of approximately 23 miles to an inter-
 6 section with the North and South quarter line of Section 34,
 7 Township 148 North, Range 95 West of the 5th P. M.;
 8 thence North along said quarter line to the North quarter
 9 corner of said section; thence East to Northeast corner of
 10 Section 34; thence South to North sixteenth line of Section
 11 35; thence East to North and South quarter line; thence
 12 South to center of Section; thence East to East quarter
 13 corner; thence South to Southeast corner of Section 35,
 14 Township 148 North, Range 95 West of the 5th P. M.;
 15 thence East to North quarter corner of Section 1, Township
 16 147 North, Range 95 West of the 5th P. M.; thence South
 17 to center of Section; thence East to East quarter corner of
 18 and Section 1, Township 147 North, Range 95 West of the
 19 5th P. M.; thence East to West sixteenth line of Section 5,
 20 Township 147 North, Range 94 West of the 5th P. M.;
 21 thence South to South sixteenth line; thence East to East
 22 sixteenth line; thence South to South Section line; thence
 23 East to Southeast corner of Section 5; thence South to North
 24 sixteenth line of Section 17; thence West to East sixteenth
 25 line; thence South to South Section line; thence East to

1 Southeast corner of said Section 17; thence South to West
 2 quarter corner of Section 21; thence East to center of Sec-
 3 tion; thence North to North sixteenth line; thence East to
 4 East sixteenth line; thence North to North Section line of
 5 Section 21; thence East to South quarter corner of Section
 6 14; thence North to South line of the North half of the
 7 Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$);
 8 thence West to West sixteenth line; thence North to North
 9 line of the South half of the Southeast quarter of the North-
 10 west quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and
 11 South quarter line; thence South to center of Section; thence
 12 East to East sixteenth line of Section 13; thence South to
 13 South sixteenth line; thence East to East section line; thence
 14 South to Southeast corner of said Section 13, Township
 15 147 North, Range 94 West of the 5th P. M.; thence East
 16 to South quarter corner of Section 18, Township 147 North,
 17 Range 93 West of the 5th P. M.; thence North to South
 18 sixteenth line; thence East to East line of the West half of the
 19 Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$);
 20 thence South to South Section line; thence East to South-
 21 east corner of said Section 18; thence South to South six-
 22 teenth line of Section 20; thence East to East Section line;
 23 thence South to the North line of the South half of the North
 24 half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28;

1 thence East to North and South quarter line; thence South
 2 to North sixteenth line; thence East to the East line of the
 3 West half of the Southeast quarter of the Northeast quarter
 4 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter
 5 line; thence East to West sixteenth line of Section 27; thence
 6 North to North Section line; thence East to North quarter
 7 corner; thence South to center of Section; thence East to
 8 East sixteenth line; thence South to South sixteenth line;
 9 thence East to North and South quarter line of Section 26;
 10 thence North to center of Section; thence East to East six-
 11 teenth line; thence North to North sixteenth line; thence
 12 East to East line of said Section 26; thence South to South
 13 sixteenth line of Section 25; thence East to East line of
 14 said Section 25, Township 147 North, Range 93 West of
 15 the 5th P. M.; thence East along the South sixteenth line
 16 of Section 30, Township 147 North, Range 92 West of the
 17 5th P. M. to the North and South quarter line; thence
 18 North to center of Section 19; thence East to East sixteenth
 19 line; thence North to North Section line; thence West to
 20 Northwest corner of said Section 19, Township 147 North,
 21 Range 92 West of the 5th P. M.; thence West to South
 22 quarter corner of Section 13, Township 147 North, Range
 23 93 West of the 5th P. M.; thence North to center of Sec-
 24 tion; thence East to East quarter corner of said Section 13,
 25 Township 147 North, Range 93 West of the 5th P. M.;

1 thence North to North sixteenth line of Section 7, Township
 2 147 North, Range 92 West of 5th P. M.; thence East to
 3 West sixteenth line; thence North to South sixteenth line of
 4 Section 6; thence East to East sixteenth line; thence North
 5 to East and West quarter line; thence West to West line of
 6 said Section 6, Township 147 North, Range 92 West of
 7 the 5th P. M.; thence South to South sixteenth line of
 8 Section 1, Township 147 North, Range 93 West of
 9 the 5th P. M.; thence West to North and South quarter
 10 line; thence South to South quarter corner; thence West
 11 to West sixteenth line; thence North to South sixteenth line;
 12 thence West to West line of said Section 1; thence North
 13 to South line of the North half of the Northeast quarter
 14 of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence
 15 West to East sixteenth line; thence North to North line
 16 of the South half of the Southeast quarter of the Northeast
 17 quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line;
 18 thence North to Northeast corner of said Section 2, Town-
 19 ship 147 North, Range 93 West of the 5th P. M.; thence
 20 West to South quarter corner of Section 35, Township 148
 21 North, Range 93 West of the 5th P. M.; thence North
 22 to South sixteenth line; thence West to West Section line;
 23 thence North to West quarter corner of said Section 35;
 24 thence West to center of Section 34; thence North to North
 25 quarter corner; thence East to North quarter corner of Sec-

1 tion 35; thence South to center of Section; thence East to
 2 West sixteenth line of Section 36; thence South to South
 3 Section line; thence East to Southeast corner of said Section
 4 36, Township 148 North, Range 93 West of the 5th P. M.;
 5 thence North to the North line of the South half of the
 6 South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Sec-
 7 tion 31, Township 148 North, Range 92 West of the 5th
 8 P. M.; thence East to North and South quarter line; thence
 9 South to South quarter corner; thence East to South quarter
 10 corner of Section 32; thence North to South sixteenth
 11 line; thence West to East sixteenth line of Section 31;
 12 thence North to East and West quarter line; thence
 13 East to East quarter corner of said Section 31; thence
 14 North to North line of the South half of the North
 15 half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Sec-
 16 tion line; thence North to South line of the North half
 17 of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence
 18 West to East sixteenth line of Section 31; thence North
 19 to North Section line; thence West to Northwest corner
 20 of said Section 31, Township 148 North, Range 92
 21 West of the 5th P. M.; thence North to South sixteenth
 22 line of Section 25, Township 14 North, Range 93 West
 23 of the 5th P. M.; thence West to East sixteenth line;
 24 thence North to East and West quarter line; thence West
 25 to center of Section; thence North to North quarter corner

1 of said Section 25; thence West to West sixteenth line of
 2 Section 24, thence North to North line of the South half
 3 of the Northeast quarter of the Southwest quarter
 4 ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 5 South to South Section line; thence East to Southeast
 6 corner of said Section 24, Township 148 North, Range 93
 7 West of the 5th P. M.; thence South to the North line of
 8 the South half of Lot 2, Section 30, Township 148
 9 North, Range 92 West of the 5th P. M.; thence East
 10 to North and South quarter line; thence South to center
 11 of Section; thence East to East quarter corner; thence
 12 North to Northeast corner of said Section 30; thence
 13 East to East line of the West half of the East half of the
 14 Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence
 15 South to East and West quarter line; thence East to East
 16 sixteenth line of Section 28; thence South to South sixteenth
 17 line; thence East to West sixteenth line of Section 27;
 18 thence North to East and West quarter line; thence West
 19 to West quarter corner; thence North to Northwest corner
 20 of said Section 2; thence West to East sixteenth line of Sec-
 21 tion 21; thence North to East and West quarter line; thence
 22 East to West sixteenth line of Section 22; thence South to
 23 South sixteenth line; thence East to East line of the West
 24 half of the Southeast quarter of the Southwest quarter

1 ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line;
 2 thence East to South quarter corner of said Section 22;
 3 thence South to North line of the South half of the
 4 North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Sec-
 5 tion 27; thence East to East line of said Section 27;
 6 thence South to North sixteenth line of Section 26; thence
 7 East to West line of the East half of the Southeast quarter
 8 of the Northwest quarter; thence South to South six-
 9 teenth line; thence West to the West sixteenth line;
 10 thence South to South Section line; thence East to East
 11 sixteenth line; thence North to South sixteenth line;
 12 thence East to East Section line; thence North to North-
 13 east corner of said Section 26; thence East to Northeast
 14 corner of Section 25; thence North to South sixteenth line
 15 of Section 24; thence West to East sixteenth line; thence
 16 North to North Section line; thence East to Northeast
 17 corner of said Section 24, Township 148 North, Range 92
 18 West of the 5th P. M.; thence South to North sixteenth
 19 line of Section 19, Township 148 North, Range 91 West
 20 of the 5th P. M.; thence East to West sixteenth line; thence
 21 South to East and West quarter line; thence East to center
 22 of Section; thence South to South sixteenth line; thence
 23 East to the East Section line; thence South to the
 24 Southeast corner of said Section 19; thence East to
 25 South quarter corner of Section 20; thence North to

1 North sixteenth line; thence West to West sixteenth
 2 line; thence North to South sixteenth line of Sec-
 3 tion 17; thence West to West Section line; thence
 4 North to North sixteenth line; thence East to West sixteenth
 5 line; thence North to North line of said Section 17;
 6 thence West to the West line of the East half of the
 7 West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Sec-
 8 tion 8; thence North to East and West quarter line;
 9 thence East to center of Section; thence North to South
 10 line of the North half of the Southeast quarter of the North-
 11 west quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West
 12 sixteenth line; thence North to North sixteenth line; thence
 13 West to West Section line; thence North to Northwest
 14 corner of said Section 8; thence West to South quarter corner
 15 of Section 6; thence North to South sixteenth line; thence
 16 West to West sixteenth line; thence North to East and
 17 West quarter line; thence East to East quarter corner of
 18 said Section 6; thence South to South sixteenth line of
 19 Section 5; thence East to North and South quarter line;
 20 thence North to North sixteenth line; thence West to West
 21 sixteenth line; thence North to North line of said Section
 22 5, Township 148 North, Range 91 West of the 5th P. M.;
 23 thence East to East sixteenth line of Section 34, Town-
 24 ship 149 North, Range 91 West of the 5th P. M.; thence
 25 North to South sixteenth line; thence West to West line

1 of the East half of the Northwest quarter of the Southeast
 2 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 3 quarter line; thence East to East quarter corner of said Sec-
 4 tion 34; thence South to South sixteenth line of Section 35;
 5 thence East to East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence East to South quarter
 8 corner; thence North to North sixteenth line; thence West
 9 to West sixteenth line; thence North to North Section
 10 line; thence East to North quarter corner of said Sec-
 11 tion 35; thence North to center of Section 26; thence
 12 East to East sixteenth line; thence North to North
 13 Section line; thence West to North quarter corner of
 14 said Section 26; thence North to South sixteenth line
 15 of Section 23; thence West to West line of the East
 16 half of the Northeast quarter of the Southwest quarter
 17 ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter
 18 line; thence West to West sixteenth line; thence North
 19 to North sixteenth line; thence West to West Section line;
 20 thence North to Northwest corner of said Section 23; thence
 21 West to East sixteenth line of Section 15; thence
 22 North to East and West quarter line; thence West
 23 to West line of the East half of the West half of
 24 the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to
 25 North Section line; thence West to North quarter

1 corner of said Section 15; thence North to center of Section
2 10; thence West to West sixteenth line; thence North to
3 North sixteenth line; thence West to East sixteenth line
4 of Section 9; thence North to South sixteenth line of
5 Section 4; thence West to West sixteenth line; thence North
6 to North Section line; thence West to Northwest corner of
7 said Section 4, Township 149 North, Range 91 West of
8 the 5th P. M.; thence North to East quarter corner of Sec-
9 tion 32, Township 150 North, Range 91 West of the 5th
10 P. M.; thence West to West quarter corner; thence South
11 to Southwest corner of said Section 32, Township 150
12 North, Range 91 West of the 5th P. M.; thence West
13 to East sixteenth line of Section 6, Township 149 North,
14 Range 91 West of the 5th P. M.; thence South to
15 North sixteenth line; thence West to West sixteenth
16 line; thence South to East and West quarter line; thence
17 West to West Section line; thence South to North line of
18 the South half of Lot 6 of said section; thence East to West
19 sixteenth line; thence South to South sixteenth line; thence
20 East to East line of the West half of the Southeast quarter
21 of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to
22 South Section line; thence West to Southwest corner of
23 said Section 6, Township 149 North, Range 91 West of
24 the 5th P. M.; thence West to East sixteenth line of Sec-
25 tion 1, Township 149 North, Range 92 West of the 5th

1 P. M.; thence North to South sixteenth line; thence West
 2 to the East line of the Northwest quarter of the Southeast
 3 quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence
 4 South to South line of the Northwest quarter of the South-
 5 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 6 thence West to West Section line; thence South to South-
 7 west corner of said Section 1; thence West to West
 8 sixteenth line of Section 11; thence South to North
 9 line of the South half of the Northeast quarter of the
 10 Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the
 11 East line of the Southwest quarter of the Northwest
 12 quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$);
 13 thence South to North sixteenth line; thence East to
 14 East sixteenth line; thence South to North line of the
 15 Southwest quarter of the Southeast quarter of the North-
 16 east quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line
 17 of the Southwest quarter of the Southeast quarter of
 18 the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South
 19 to East and West quarter line; thence East to East
 20 quarter corner; thence South to Southeast corner of
 21 said Section; thence West to East sixteenth line;
 22 thence North to South sixteenth line; thence West to
 23 North and South quarter line of Section 11; thence South
 24 to North sixteenth line of Section 14; thence West to
 25 East line of the West half of the Southwest quarter

1 of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South
 2 to East and West quarter line; thence West to West quarter
 3 corner; thence South to Southwest corner of said Section
 4 14; thence West to East sixteenth line of Section 15; thence
 5 North to East and West quarter line; thence West to the
 6 West line of the East half of the Southeast quarter of the
 7 Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence
 8 North to the North line of the Southeast quarter of the
 9 Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$);
 10 thence East to East Section line; thence North to
 11 Northeast corner of said Section 16; thence East to
 12 the South quarter corner of Section 10; thence North
 13 to South sixteenth line; thence East to East sixteenth
 14 line; thence North to North line of said Section 10;
 15 thence West to East line of the West half of the
 16 Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$)
 17 of Section 3; thence North to South sixteenth line;
 18 thence West to West Section line; thence North to West
 19 quarter corner of said Section 3; thence West to center of
 20 Section 4; thence South to South quarter corner; thence
 21 West to West sixteenth line; thence North to South line
 22 of the North half of the Northwest quarter of the South-
 23 west quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence West to West line
 24 of said Section 4; thence North to South line of the North
 25 half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$)

1 of Section 5; thence West to North and South quarter
 2 line; thence North to North quarter corner; thence West
 3 to Northwest corner of said Section 5; thence South
 4 to North sixteenth line of Section 6; thence West to
 5 West sixteenth line; thence North to North line of said
 6 Section 6, Township 149 North, Range 92 West of
 7 the 5th P. M.; thence East to the West line of the
 8 East half of the Southeast quarter of the Southwest
 9 quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150
 10 North, Range 92 West of the 5th P. M.; thence North
 11 to South sixteenth line; thence West to West Section
 12 line; thence South to Southwest corner of said Section
 13 31, Township 150 North, Range 92 West of the 5th
 14 P. M.; thence West to East sixteenth line of Section
 15 36, Township 150 North, Range 93 West of the
 16 5th P. M.; thence North to East and West quarter
 17 line; thence West to center of Section; thence South
 18 to South quarter corner of said Section 36, Town-
 19 ship 150 North, Range 93 West of the 5th P. M.;
 20 thence West to the East line of the West half of the East half
 21 of the Northwest quarter of Section 1, Township 149
 22 North, Range 93 West of the 5th P. M.; thence South
 23 to East and West quarter line; thence West to West
 24 line of the East half of the Southwest quarter of the
 25 Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to

1 North sixteenth line; thence East to West sixteenth
 2 line; thence North to North line of said Section 1, Town-
 3 ship 149 North, Range 93 West of the 5th P. M.; thence
 4 West to Southeast corner of Section 35, Township 150
 5 North, Range 93 West of the 5th P. M.; thence North
 6 to South sixteenth line; thence West to East sixteenth line;
 7 thence South to South Section line; thence West to West
 8 sixteenth line; thence North to South sixteenth line; thence
 9 East to North and South quarter line; thence North to
 10 North sixteenth line; thence West to West sixteenth line;
 11 thence South to East and West quarter line of Section 35;
 12 thence West to West line of the East half of the East half
 13 of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34;
 14 thence North to North Section line; thence West to
 15 North quarter corner; thence South to North sixteenth
 16 line; thence West to East sixteenth line of Section 33;
 17 thence North to North Section line; thence East to
 18 Northeast corner of said Section 33; thence North to
 19 East quarter corner of Section 28; thence West to West
 20 sixteenth line; thence North to North sixteenth line; thence
 21 West to East sixteenth line of Section 29; thence South
 22 to East and West quarter line; thence West to East line
 23 of the West half of the West half of the Southeast quarter
 24 ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Sec-
 25 tion 29; thence West to West sixteenth line of Section 32;

1 thence South to North sixteenth line; thence West to
 2 West Section line; thence South to West quarter corner
 3 of said Section 32; thence West to East sixteenth line
 4 of Section 31; thence North to North Section line;
 5 thence East to Northeast corner of said Section 31;
 6 thence North to West quarter corner of Section 29;
 7 thence East to West sixteenth line; thence North to
 8 East and West quarter line of Section 20; thence West
 9 to West quarter corner of said Section 20; thence North
 10 to North sixteenth line of Section 19; thence West to
 11 West line of said Section 19, Township 150 North,
 12 Range 93 West of the 5th P. M.; thence South to
 13 East quarter corner of Section 24, Township 150 North,
 14 Range 94 West of the 5th P. M.; thence West to West line
 15 of the East half of the Southwest quarter of the Northeast
 16 quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth
 17 line; thence East to East sixteenth line; thence North to
 18 North line of said Section 24; thence West to Southeast
 19 corner of Section 14; thence North to South sixteenth line;
 20 thence West to West line of said Section 14; thence South
 21 to Southeast corner of Section 15; thence West to South-
 22 west corner of said Section 15; thence North to South
 23 sixteenth line of Section 16; thence West to North
 24 and South quarter line; thence North to North sixteenth
 25 line; thence East to North and South quarter line of
 26 Section 15; thence South to center of Section; thence

1 East to East quarter corner of said Section 15; thence
 2 North to Northwest corner of Section 14; thence East to
 3 North quarter corner of Section 13; thence South to North
 4 sixteenth line; thence East to East Section line; thence North
 5 to Northeast corner of said Section 13; thence West to East
 6 sixteenth line of Section 12; thence North to South sixteenth
 7 line; thence West to North and South quarter line; thence
 8 North to center of Section; thence West to West line of the
 9 East half of the Southeast quarter of the Northwest quarter
 10 ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 11 thence West to West line of Section 12; thence North
 12 to North sixteenth line of Section 2; thence West to
 13 East sixteenth line; thence North to North line of said
 14 Section 2, Township 150 North, Range 94 West of
 15 the 5th P. M.; thence North on East sixteenth line of
 16 Section 35, Township 151 North, Range 94 West of
 17 the 5th P. M. to the East and West quarter line; thence
 18 East to East quarter corner; thence North to North
 19 sixteenth line; thence West to East sixteenth line; thence
 20 North to South sixteenth line of Section 26; thence West
 21 to North and South quarter line; thence North to center of
 22 Section; thence East to East quarter corner of said Section
 23 26; thence North to Southwest corner of Section 24; thence
 24 East to West sixteenth line; thence North to South
 25 sixteenth line of Section 13; thence West to West Sec-

1 tion line; thence South to Southwest corner of said
 2 Section 13; thence West to East sixteenth line of Sec-
 3 tion 14; thence North to East and West quarter line;
 4 thence West to West line of the East half of the West
 5 half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence
 6 North to North line of said Section 14; thence East to East
 7 sixteenth line of Section 11; thence North to South
 8 sixteenth line; thence West to West Section line; thence
 9 South to Southwest corner of said Section 11; thence
 10 West to East sixteenth line of Section 10; thence
 11 North to East and West quarter line; thence East to
 12 East quarter corner; thence North to Northeast corner
 13 of said Section 10; thence West to South quarter corner of
 14 Section 3; thence North to North line of the South half
 15 of the Northwest quarter of the Southeast quarter
 16 ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the South-
 17 west quarter of the Northeast quarter of the Southeast
 18 quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth
 19 line of Section 3; thence East to West sixteenth line of
 20 Section 2; thence South to South Section line; thence East
 21 to South quarter corner of said Section 2; thence South on
 22 North and South quarter line of Section 11 to North
 23 sixteenth line; thence East to East sixteenth line; thence
 24 North to North Section line; thence East to Northeast corner
 25 of said Section 11; thence South to North sixteenth line of
 26 Section 12; thence East to North and South quarter line;

1 thence North to North sixteenth line of Section 1; thence
 2 West to West sixteenth line; thence North to North
 3 line of Section 1, Township 151 North, Range 94 West
 4 of the 5th P. M.; thence North on the West sixteenth
 5 line of Section 36, Township 152 North, Range 94
 6 West of the 5th P. M. to the South sixteenth line; thence
 7 East to North and South quarter line; thence North to North
 8 quarter corner; thence East to Northeast corner of said Sec-
 9 tion 36, Township 152 North, Range 94 West of the 5th
 10 P. M.; thence East to the South quarter corner of
 11 Section 30, Township 152 North, Range 93 West of
 12 the 5th P. M.; thence North to South sixteenth line;
 13 thence East to the East Section line; thence North to
 14 Northeast corner of said Section 30; thence East to
 15 South quarter corner of Section 20; thence North to
 16 South sixteenth line; thence East to West line of the
 17 East half of the Northwest quarter of the Southeast
 18 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 19 quarter line; thence East to East quarter corner; thence
 20 North to West quarter corner of Section 16; thence
 21 East to West sixteenth line; thence South to South
 22 sixteenth line; thence East to East sixteenth line; thence
 23 South to South Section line; thence East to Southeast
 24 corner of said Section 16; thence North to Southeast
 25 corner of Section 9; thence West to South quarter cor-

1 ner; thence North 2,441.3 feet along the North and
 2 South quarter line to the North boundary of the Ft.
 3 Berthold Indian Reservation line as surveyed; thence
 4 East with said Reservation line approximately two (2)
 5 miles to the low water line of the Missouri River at the left
 6 bank of said stream; thence downstream with said low water
 7 line approximately seven (7) miles to the East and West
 8 quarter line of Section 7, Township 151 North, Range 93
 9 West of the 5th P. M.; thence East to center of Section;
 10 thence South to South quarter corner of said Section 7;
 11 thence West to the West sixteenth line of Section 18; thence
 12 South to South Section line; thence East to South quarter
 13 corner of said Section 18; thence South to North sixteenth
 14 line of Section 30; thence West to West sixteenth line;
 15 thence South to South sixteenth line; thence West to the
 16 West Section line; thence South to the Southwest corner
 17 of Section 31, Township 151 North, Range 93 West of
 18 the 5th P.M., being the same point as the point of begin-
 19 ning; also Lot 2, Southeast quarter of the Northeast
 20 quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), South-
 21 east quarter of the Southwest quarter of the Southeast
 22 quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion
 23 of Lot 5 of Section 13 bounded on the North by the
 24 North Section line, on the East by the Ft. Berthold
 25 Indian Reservation Line, on the South by a line 660 feet
 26 South and parallel to the North Section Line and on the

- 1 West by a line 660 feet East and parallel to the North
 2 and South quarter line of said Section 13, Township 147
 3 North, Range 87 West of the 5th P.M., containing in
 4 the aggregate, less water surface, 175,716.44 acres, more
 5 or less, EXCEPTING therefrom the following described
 6 lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N.....	92 W.....	5	Lot 1.....	40.10
147 N.....	91 W.....	2	Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$	158.20
147 N.....	92 W.....	4	Lots 3, 4 & 5.....	71.60
		5	Lots 1, 2, 3.....	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
147 N.....	94 W.....	14	W $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11.....	102.45
		23	Lots 5, 6, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N.....	91 W.....	17	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		33	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
148 N.....	92 W.....	32	Lots 4 & 5.....	66.03
149 N.....	91 W.....	11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
150 N.....	91 W.....	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00

McKENZIE COUNTY

152 N.....	93 W.....	15	SW $\frac{1}{4}$	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions.....	62.91
		29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	308.88
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions.....	324.54
		33	Lot 2, plus accretions.....	18.91
152 N.....	94 W.....	36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

147 N.....	87 W.....	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.28
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions.....	111.42
		23	Lots 3 & 4 less erosions.....	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N.....	88 W.....	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ SE $\frac{1}{4}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		36	Lots 1, 2 & 3.....	53.00
147 N.....	89 W.....	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		6	Lot 4.....	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N.....	90 W.....	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N.....	89 W.....	30	Lot 4.....	35.14
148 N.....	90 W.....	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00

McLEAN COUNTY--Continued

Township	Range	Section	Description	Acres
148 N	90 W	25	$S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$	160.00
		26	$W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}E\frac{1}{4}SW\frac{1}{4}$	120.00
		27	$SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	240.00
		28	$SE\frac{1}{4}NE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
		29	$NW\frac{1}{4}NE\frac{1}{4}, SW\frac{1}{4}, SE\frac{1}{4}$	360.00
		30	Lots 3 & 4, $E\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}$	311.47
		31	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}$	311.81
		32	$SW\frac{1}{4}$	160.00
		33	$SW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$	280.00
		34	$SE\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$	160.00
		35	$N\frac{1}{2}NE\frac{1}{4}$	80.00
		36	$W\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
		1	$SW\frac{1}{4}SE\frac{1}{4}, SW\frac{1}{4}, Lot 4, SW\frac{1}{4}NW\frac{1}{4}$	268.44
		2	Lots 1 & 2, $SE\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	377.35
148 N	91 W	12	$NW\frac{1}{4}NW\frac{1}{4}$	40.00
		23	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		24	$SE\frac{1}{4}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$	120.00
		25	$NE\frac{1}{4}, SE\frac{1}{4}, SW\frac{1}{4}$	480.00
148 N	91 W	26	Lots 4 & 5 plus accretions	74.88
		36	$NE\frac{1}{4}$	160.00
149 N	90 W	8	$SE\frac{1}{4}E\frac{1}{2}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}$	280.00
		10	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		12	$S\frac{1}{2}SE\frac{1}{4}$	160.00
		13	$N\frac{1}{2}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$	240.00
		14	$NE\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}$	280.00
		15	$NE\frac{1}{4}$	160.00
		16	$NW\frac{1}{4}NE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}$	160.00
		17	$NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$	122.50
		18	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	278.87
		19	$NE\frac{1}{4}$	160.00
		20	$W\frac{1}{2}NW\frac{1}{4}$	80.00
		21	$S\frac{1}{2}SW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	120.00
		22	$N\frac{1}{2}NW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$	100.00
		23	$N\frac{1}{2}NW\frac{1}{4}$	40.00
149 N	91 W	24	$NE\frac{1}{4}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	100.00
		27	$NW\frac{1}{4}SW\frac{1}{4}$	40.00
		28	$NW\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		29	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		31	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		32	$S\frac{1}{2}$	320.00
		33	$W\frac{1}{2}SW\frac{1}{4}$	80.00
		13	Lot 1	45.78
		1	$W\frac{1}{2}SW\frac{1}{4}$	80.00
		2	Lot 4, $SW\frac{1}{4}NW\frac{1}{4}, SE\frac{1}{4}$	239.36
		4	Lots 1 & 2 and $S\frac{1}{2}NE\frac{1}{4}$	158.44
		6	Lots 1 & 2, $S\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}$	319.21
		9	$SE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}, 1 \text{ acre in the extreme SE corner of } NE\frac{1}{4}SW\frac{1}{4}$	201.00
150 N	91 W	10	$NE\frac{1}{4}, Lots 1, 2, 3 \text{ and } SW\frac{1}{4}SW\frac{1}{4}$	259.60
		11	$NE\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$	120.00
		12	$W\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}, SW\frac{1}{4}, SE\frac{1}{4}$	560.00
		13	$NW\frac{1}{4}, NE\frac{1}{4}, SE\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, $SW\frac{1}{4}NW\frac{1}{4}, SW\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, $S\frac{1}{2}N\frac{1}{2}, N\frac{1}{2}S\frac{1}{2}$	397.30
		16	$S\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}NW\frac{1}{4}$, also the following described tract: Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
		17	$NE\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$	42.50
		18	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	$N\frac{1}{2}NW\frac{1}{4}$	80.00
		24	Lot 1, $SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, $NE\frac{1}{4}SW\frac{1}{4}$	288.29
		8	$W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	240.00
		9	$NW\frac{1}{4}$	160.00
146 N	89 W	2	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		11	$N\frac{1}{2}, N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$	360.00
147 N	89 W	18	$SE\frac{1}{4}SW\frac{1}{4}$	40.00
		19	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		27	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		28	$S\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}$	240.00
147 N	90 W	29	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		25	$E\frac{1}{2}NW\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

150 N	92 W	20	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		23	$NW\frac{1}{4}SE\frac{1}{4}$	40.00
		26	$W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	160.00
		28	$S\frac{1}{2}SE\frac{1}{4}$	80.00
		29	$E\frac{1}{2}$	320.00
		33	$SE\frac{1}{4}NE\frac{1}{4}$	40.00
		34	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}NE\frac{1}{4}$	120.00
		35	$N\frac{1}{2}SE\frac{1}{4}$	80.00
		36	$S\frac{1}{2}S\frac{1}{2}$	160.00
		14	$SW\frac{1}{4}SW\frac{1}{4}$	40.00
150 N	93 W	15	$N\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SE\frac{1}{4}$	120.00
		16	Lot 1 and $SE\frac{1}{4}SW\frac{1}{4}$ plus accretions	79.97
		17	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		22	$N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$	40.00
		23	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, $NE\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}$ plus accretions	178.26
		26	$N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	20.00

1 said exceptions, as tabulated above, containing 20,804.83
2 acres, more or less.

3 Total area of lands held by the Three Affiliated Tribes
4 within the Reservation Boundaries and within the Taking
5 Line of the Garrison Reservoir is 154,911.61 acres, more or
6 less.

7 PART B—RURAL AREAS

MOUNTRAIL COUNTY

151 N.....	32 W.....	24	W $\frac{1}{2}$ 2NW $\frac{1}{4}$	80.00
151 N.....	33 W.....	6	Lot 5.....	32.11
		7	Lot 2.....	10.69
		8	NW $\frac{1}{4}$	160.00
152 N.....	33 W.....	22	Lot 3.....	29.24
		23	Lots 1 & 2.....	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$	98.12
			Total.....	543.89

8 PART C—IN TOWNSITES OF VAN HOOK AND SANISH, 9 NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9.....	All.	28 to 29.....	All.
10.....	3, 5 to 16.	30.....	9 to 16.
15.....	6, 15, 16.	31.....	All.
16.....	9, 10, 16.	33 to 36.....	All.
17.....	8, 9, 10, 12 to 15.	37.....	5 to 16.
18.....	All.	38 to 40.....	All.
19.....	2 to 9.	41.....	1, 2, 9 to 16.
20 to 26.....	All.	42.....	All.
27.....	1 to 8.		

SANISH

1 to 14.....	All.	49.....	1, 4 to 12.
15.....	1 to 17, 19, 20.	50.....	7 to 12.
16 & 17.....	All.	51 & 52.....	All.
18.....	1 to 6, 9, 10, 12.	53.....	1 to 6, 9 to 12.
19 & 20.....	All.	54.....	8, 9, 10, 12.
21.....	1 to 9.	55.....	7, 8.
22.....	1 to 6, 10.	56.....	10, 11, 12.
23 & 24.....	All.	57.....	10, 11.
25.....	1, 2, 3.	58.....	9 to 12.
26.....	1 to 6, 8, 11, 12.	59.....	5, 6.
27.....	1, 2, 9, 11.	60.....	1 to 6.
28.....	2, 11, 12.	61.....	1, 2, 3, 9 to 20.
29 & 30.....	All.	62.....	1 to 5, 8.
32.....	1 to 6, 11.	65.....	3 to 6.
33.....	1 to 6.	66.....	1 to 4, 6.
34.....	2 to 8, 12 to 20.	67.....	1 to 15.
35 & 36.....	All.	68.....	1 to 6, 8 to 12.
37.....	1 to 7, 10 to 12.	69.....	5, 6, 7.
39.....	1 to 6, 12.	70.....	1, 2, 4.
40.....	All.	71 & 72.....	All.
41.....	1 to 14, 19, 20.	73.....	3, 7 to 12.
42.....	2, 4, 8.	74.....	All.
44.....	2 to 7.	75.....	1, 2, 7 to 10.
46.....	1 to 3, 9, 10, 12.	76 to 81.....	All.
47.....	2 to 6, 9.	82.....	1, 2, 3.
48.....	1 to 6, 8 to 12.	84.....	3.

1 PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH
2 AND VAN HOOK, NORTH DAKOTA

VAN HOOK	
Block	Lots
32.....	All.
SANISH	
31.....	All.
42.....	6, 7.
43.....	All.

3 Part E, all rights in coal heretofore reserved to the
4 Tribes in the following described lands:

DUNN COUNTY				
Township	Range	Section	Description	Acres
146 N.....	92 W.....	5	Lot 1.....	40. 10
147 N.....	92 W.....	4	Lots 3, 4 & 5.....	71. 60
		5	Lots 1, 2 & 3.....	75. 62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149. 36
147 N.....	94 W.....	22	Lots 7, 8, 9 & 11.....	102. 45
		23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209. 81
148 N.....	92 W.....	32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$	146. 03
149 N.....	91 W.....	14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80. 00

McKENZIE COUNTY				
152 N.....	93 W.....	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480. 00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148. 85
152 N.....	94 W.....	36	NE $\frac{1}{4}$	160. 00

McLEAN COUNTY				
Township	Range	Section	Description	Acres
147 N.....	87 W.....	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11. 58
		17	NW $\frac{1}{4}$	160. 00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00
147 N.....	88 W.....	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
148 N.....	90 W.....	21	S $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
149 N.....	90 W.....	12	S $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$	80. 00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40. 00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
150 N.....	91 W.....	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$	80. 00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00

MERCER COUNTY				
146 N.....	88 W.....	4	Lots 1 & 2.....	85. 90
147 N.....	8 W.....	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240. 00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00

MOUNTRAIL COUNTY				
150 N.....	93 W.....	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
			Grand total.....	2, 881. 33

1 Together with all rights in coal reserved to the Tribes in
2 patents issued for other lands within the Garrison Reservoir.

3

ARTICLE III

4 Section 1. The fund of \$5,105,625 shall be subject to
5 disbursement under the direction of the Commissioner of
6 Indian Affairs, Bureau of Indian Affairs, United States
7 Department of the Interior, hereinafter called the "Com-
8 missioner", for the following purposes:

9 (a) Payment for tribal and allotted Indian lands
10 and improvements, including heirship interests, and
11 values above and below the surface, to be taken for
12 the Garrison Project;

13 (b) Costs of relocating and re-establishing the
14 members of the tribes who reside within the Taking
15 Area of the Garrison Project; and

16 (c) Costs of relocating and re-establishing Indian
17 cemeteries, tribal monuments, and shrines within the
18 Taking Area of the Garrison Project.

19 Section 2. The cost of relocating and re-establishing
20 government owned buildings, facilities, roads and bridges
21 will be paid from appropriations made or to be made for
22 the construction of Garrison Reservoir, and funds for these
23 purposes may, in the discretion of the Chief of Engineers,
24 be transferred to the Commissioner for expenditure.

25 Section 3. No portion of the said fund of \$5,105,625

1 shall be expended by any agency of the government for
2 any expense or cost incurred by it in carrying out the terms
3 of this contract.

4 Section 4. Any unexpended balance remaining from
5 the said fund of \$5,105,625 after the completion of the
6 purposes set forth in subsections (a), (b), and (c) of
7 Section 1 of this Article shall remain to the credit of the
8 tribes.

9 Section 5. Lands and improvements belonging to any
10 church, mission, missionary society or to any person not a
11 member of the tribes are excluded from this contract and
12 no part of the fund dealt with in this Article shall be used
13 to pay for the same.

14 ARTICLE IV

15 Section 1. The Commissioner shall have prepared an
16 appraisal schedule on an individual tract basis of the tribal
17 and allotted lands and improvements, including heirship
18 interests, located within the Taking Area. In the prepara-
19 tion thereof, he shall determine the fair market value of the
20 land and improvements, giving full and proper weight to
21 the following elements of appraisal: damage suffered by
22 partial taking of any tract of land, value of standing timber,
23 mineral rights, and the uses to which the lands are reason-
24 ably adapted. He shall also have the said schedule of
25 appraisal submitted to the Chief of Engineers for approval.

1 Section 2. Upon approval by the Chief of Engineers,
2 the Commissioner shall transmit to the Council the schedule
3 of appraisal in its entirety and such portions of the said
4 schedule to individual Indians as relate to their respective
5 interests. The Council and the interested individual Indians
6 will have ninety days from the date of transmittal in which
7 to present to the Commissioner their objections, if any, for
8 consideration and action thereon.

9 Section 3. The right of the tribes and of the allottees
10 and heirs of allottees to accept or reject the appraisal cover-
11 ing their respective property is reserved to them. Upon
12 the rejection of the appraisal affecting the lands or the
13 respective interests, the Department of the Army shall insti-
14 tute proceedings in the United States District Court for
15 North Dakota for the purpose of having the just compen-
16 sation for such property judicially determined. Any judg-
17 ment entered against the United States in such proceedings
18 shall be charged against the said fund of \$5,105,625.

19 Section 4. In all proceedings instituted in accordance
20 with Section 3 of this Article, individual members of the
21 tribes may request the Commissioner of Indian Affairs to
22 designate attorneys of the Bureau of Indian Affairs to
23 represent them.

24 ARTICLE V

25 Section 1. The administrative responsibility for the

1 removal, relocation and re-establishment of the members of
2 the tribes shall be vested in the Commissioner. The Com-
3 missioner shall prepare a plan of removal, together with
4 the estimates of cost, and submit the same to the Chief
5 of Engineers. Upon approval by the Chief of Engineers,
6 the plan and estimates shall be transmitted to the Council
7 and on approval by it the Commissioner shall carry out such
8 plan. The plan shall include but shall not be restricted to
9 the cost of transporting to their new locations members of
10 the tribes, their household goods, farming equipment, live-
11 stock and other property, the cost of constructing fences
12 and of developing domestic and livestock water supplies on
13 the residual reservation as it may be extended, and the cost
14 of dismantling, transporting, and re-erecting salvageable
15 buildings and improvements.

16 Section 2. The Chief of Engineers shall promptly submit
17 to the Commissioner a schedule showing the approximate
18 time of clearing the right-of-way of the Garrison Project
19 within the Taking Area of the Fort Berthold Reservation.
20 Thereafter the Chief of Engineers and the Commissioner
21 shall at least annually review the schedule of removal to
22 decide upon any changes proposed by either party. The
23 Chief of Engineers shall, however, have final authority to
24 determine any necessary changes required to be made in
25 the schedule. The schedule shall provide for systematic and

1 orderly clearing of the right-of-way by succession of segments.

2 ARTICLE VI

3 Section 1. The Commissioner shall prepare a plan, to-
4 gether with cost estimates, for the relocation and re-estab-
5 lishment of tribal monuments, shrines and other tribal
6 facilities, and for the disinterment and reinterment of all
7 bodies within the Taking Area, designated by the Council,
8 allottees, heirs, and churches, and submit the same to the
9 Chief of Engineers. Upon approval of the plan and cost
10 estimates by the Chief of Engineers the Commissioner shall
11 transmit the same to the Council and upon approval by it,
12 the Commissioner shall carry out such plan.

13 Section 2. New sites for the re-establishment of monu-
14 ments, shrines, private burials, and cemeteries shall be ac-
15 quired out of the proceeds from the taking of present sites
16 within the Taking Area. Titles to the new sites shall be
17 of like character as exist for the sites acquired by the United
18 States within the Taking Area.

19 Section 3. Responsibility for carrying out the plan pro-
20 vided for in Section 1 of this Article shall be undertaken,
21 insofar as practicable, by the interested churches, heirs,
22 allottees, Council, or keepers of a particular shrine. The
23 removal plan shall provide for the employment of Indians
24 and for tribal and religious ceremonies. The Commissioner,

1 however, is authorized and directed to assume any respon-
2 sibility not assumed by any other interested party or parties.

3

ARTICLE VII

4 The amount determined to be due the tribes for tribal
5 lands and interests under the terms and conditions of this
6 contract shall be held in trust by the United States for said
7 tribes and may be used to acquire such other lands or other
8 tribal property, or for such other purposes, as may be
9 determined by the Council with the approval of the Com-
10 missioner. All lands thus acquired shall be held by the
11 United States in trust for the benefit of the tribes as other
12 tribal lands and shall be inalienable and non-taxable until
13 otherwise provided by Congress, notwithstanding any other
14 restrictions on the purchase of land under any other law.

15

ARTICLE VIII

16 Section 1. The amount determined to be due the indi-
17 vidual allottees and other individual Indians shall be
18 deposited to such individual Indians in their Individual
19 Indian Money Accounts and shall be available for expendi-
20 tures under the terms of this contract.

21

22 Section 2. Under regulations of the Secretary of the
23 Interior or his duly authorized representative, the Superin-
24 tendent of the Fort Berthold Reservation may authorize
25 the disbursement of funds deposited in the Individual Money
Accounts of non-resident members of the tribe and of such

1 other members who, in his opinion, do not require super-
2 vision over such funds. Expenditures may be made from
3 the accounts of individual Indians whenever necessary and
4 desirable for the purchase of new lands, homes, or other
5 property for such Indians.

6 Section 3. Title to new lands acquired with the proceeds
7 deposited to the credit of the allottees or heirs shall be taken
8 in the name of the United States in trust for the individual
9 Indians entitled thereto, and shall be non-alienable and non-
10 taxable until otherwise provided by Congress.

11 ARTICLE IX

12 Section 1. Upon the approval of this contract by the
13 Council and by a majority of the adult members of the
14 tribes and its enactment into law, it is, and shall be held to
15 be a relinquishment and conveyance to the Government of
16 all lands, rights and interests within the Taking Area by
17 the tribes as to tribal lands and by the allottees and heirs
18 as to allotted lands, and no further relinquishment or instru-
19 ment of conveyance shall be required to extinguish the
20 Indians' interest in and to such lands and rights and to
21 vest the title in the United States.

22 ARTICLE X

23 Section 1. Within two years from the date of this con-
24 tract the Commissioner, with the approval of the Council,
25 will transmit to the Chief of Engineers a plan for the grazing

1 of livestock between the taking line and the actual water
2 line of the Garrison Reservoir within the residual Fort
3 Berthold Reservation. The said plan shall be based upon
4 the fullest development of the residual reservation for live-
5 stock, and shall be accompanied by one or more maps upon
6 which the areas required for grazing shall be delimited.
7 Upon approval of the plan by the Chief of Engineers, the
8 grazing areas delimited for the use of reservation livestock
9 shall be permanently reserved to the tribes and the members
10 thereof, and may not be reduced or changed thereafter except
11 with the consent of the Commissioner and approval of the
12 Council. The Council may promulgate Rules and Regula-
13 tions for the utilization of the areas so reserved.

14 Section 2. In the preparation of the grazing area plan,
15 provided for in Section 1 of this Article, the Commissioner
16 shall, upon the advice of the Chief of Engineers, eliminate
17 any feature which would interfere with the operation of the
18 Garrison Project, but no reservation of land below the taking
19 line of Garrison Reservoir for park, recreational, or wildlife
20 conservation within the Fort Berthold Reservation shall
21 operate to interfere with the prior right of the tribes and
22 the members thereof to the grazing areas delimited by the

1 Commissioner and approved by the Chief of Engineers, not-
2 withstanding the provisions of Section 4 of the Flood Control
3 Act of December 22, 1944 (Public Law No. 534, 78th Con-
4 gress) as amended or supplemented by Section 4 of the
5 Flood Control Act of July 24, 1946 (Public Law No. 526,
6 79th Congress).

7 Section 3. The Council will cooperate with the govern-
8 ment and with the State of North Dakota in the conserva-
9 tion, development, and utilization of the wildlife resources
10 within the Taking Area. The hunting and trapping rights
11 of the tribes and the members thereof, as presently estab-
12 lished, are expressly reserved to them, and the Council will
13 have the right to issue licenses in accordance with tribal
14 regulations. The tribes and the members thereof will be
15 entitled to fish in Garrison Reservoir under such Rules and
16 Regulations as the Chief of Engineers may establish, but they
17 shall not be required to pay any license fee therefor.

18 Section 4. The right is reserved to the tribes for use
19 by its members, under such terms and conditions as shall
20 be determined upon by the Council and in accordance with
21 plans approved by the Chief of Engineers, to establish boat
22 harbors, wharfs and recreational areas within the Taking

1 Area, provided that service and dock privileges shall not
2 be made available to non-members of the tribes within the
3 Taking Area of the Reservoir located within the exterior
4 boundaries of the reservation except in accordance with
5 regulations and schedules of rates approved by the tribes
6 with the concurrence or approval of the Chief of Engineers.

7 ARTICLE XI

8 Section 1. The tribes and the members thereof may
9 salvage, remove, reuse, sell, or otherwise dispose of all or
10 any part of their improvements within the Taking Area
11 without any deduction therefor in the appraisal schedule to
12 be prepared by the Commissioner, subject to the condition
13 that the District Engineer, Garrison District, may not enter
14 for the purpose of clearing the said improvements until at
15 least October 1, 1952, and subject further to the condition
16 that the District Engineer shall serve notice of such purpose
17 at least three months prior thereto.

18 Section 2. The tribes and the members thereof shall
19 have the privilege of cutting timber and all forest products
20 and removing sand and gravel, and may use, sell, or other-
21 wise dispose of the same until at least October 1, 1950 with-
22 out any deduction therefor in the appraisal schedule to be
23 prepared by the Commissioner, subject to the condition that

1 the said date may be adjusted to a later date by the Chief
2 of Engineers on the request of the Commissioner, and sub-
3 ject to the further condition that the District Engineer,
4 Garrison District, shall serve notice of clearing at least three
5 months prior thereto.

6 Section 3. The tribes and the members thereof may re-
7 move, sell, or otherwise dispose of lignite until such date
8 as the District Engineer, Garrison District, fixes for the im-
9 poundment of waters.

10 Section 4. The District Engineer, Garrison District, will
11 give notice at least six months in advance of the date on or
12 after which impoundment of waters may begin, and no
13 damage for loss of life or property due to impoundment
14 of waters on or after the date specified in said notice may be
15 claimed. The date established by such notification will not
16 be earlier than October 1, 1952.

17 ARTICLE XII

18 If, in the future, sub-surface values are discovered within
19 the Taking Area, which if known at this time would increase
20 the value of said area, and said values are reduced to money,
21 then the tribes shall be entitled to have paid to them a
22 royalty of one-eighth of the money received for the oil and
23 gas extracted after the ratification of this agreement. Said

1 royalties to be deposited to the tribal funds, or paid to allottees
2 or heirs as their interests now appear.

3 ARTICLE XIII

4 This agreement has been reached upon the understand-
5 ing that it was the intention of Congress that the entire
6 reasonable cost of accomplishing the purposes set forth in
7 subparagraphs (a), (b), and (c) of Section 1, Article
8 III, should be paid from appropriations made or to be made
9 for the construction of Garrison Reservoir; and that if the
10 \$5,105,625 now available is insufficient to meet such reason-
11 able costs as approved by the Chief of Engineers, such addi-
12 tional sum or sums as may be necessary therefor will be
13 made available from appropriations for construction of Gar-
14 rison Reservoir.

15 ARTICLE XIV

16 No member of or delegate to Congress, or resident com-
17 missioner, shall be admitted to any share or part of this
18 contract or to any benefit that may arise therefrom but this
19 provision shall not be construed to extend to this contract
20 if made with a corporation for its general benefit.

21 ARTICLE XV

22 This contract shall not become effective until it has
23 been ratified by a majority of the adult members of the

1 tribes, by the Council of the tribes, and on behalf of the
 2 United States by the enactment into law by the Congress.

3 In witness whereof, the parties hereto have executed
 4 this contract as of the day and year first above written.

5 Witnesses: The United States of America

6 RACHEL MORRIS By (Signed) R. A. WHEELER

7 JOSEPH W. KIMBEL Lieutenant General

8 Chief of Engineers,

9 U. S. Army

10 The Three Affiliated Tribes of

11 Fort Berthold Indian Reser-

12 vation

13 ALLAN G. HARPER By GEORGE GILLETTE

14 J. B. SMITH JAMES HALL, Sr.

15 RALPH H. CASE MARK MAHTO

16 JOHN G. HUNTER GEORGE CHARGING Sr.

17 D'ARCY McNICKLE JOSEPH PACKINEAU

18 LEVI WATERS

19 EARL BATEMAN

20 LEO YOUNG WOLF

21 RUFUS STEVENSON, JBS

22 JAMES BAKER

23 Members of the Tribal

24 Business Council

1 I, Mark Mahto, CERTIFY THAT I am the Secretary
2 of the Tribal Business Council of the Three Affiliated Tribes
3 named as a party to this contract, and that George Gillette,
4 James Hall, Sr., Mark Mahto, George Charging, Joseph
5 Packineau, Levi Waters, Earl Bateman, Leo Young Wolf,
6 Rufus Stevenson, James Baker, who signed this contract
7 on behalf of said tribes constitute the duly elected and
8 qualified Tribal Business Council.

9 In witness whereof, I have hereunto affixed my hand
10 this 20th day of May, 1948.

11 [SEAL] MARK MAHTO, Secretary.

12 We, Mark Mahto, Secretary of the Tribal Council of
13 the Three Affiliated Tribes of the Fort Berthold Reserva-
14 tion, and Ben Reifel, Superintendent of the Fort Berthold
15 Indian Agency, hereby jointly certify that 625 adult mem-
16 bers of the said tribes have signified their approval of the
17 foregoing contract consisting of 44 pages numbered 1 to
18 44 by affixing their signatures to papers bearing the legend
19 "We approve the contract with the United States relating
20 to lands affected by Garrison Reservoir", which papers are
21 on file in the office of the Fort Berthold Indian Agency.
22 We further certify that the signatures on said papers repre-

1 sent a majority of the adult members of the said tribes,
2 the total number of adult members as of this date being 960.

3 MARK MAHTO, Secretary

4 BEN REIFEL, Superintendent

5 I concur: May 20, 1948

6 J. A. KRUG

7 Secretary of the Interior

8 SEC. 2. That there is hereby authorized to be appro-
9 priated, out of any moneys in the Treasury not otherwise
10 appropriated, the sum of \$3,000,000 for the establishment of
11 a land Readjustment Fund which shall be administered by
12 the Commissioner of Indian Affairs. The fund shall be
13 operated for the benefit of the Indians of the Three Affiliated
14 Tribes in consolidating their land holdings and in purchasing
15 land for needy members thereof. The fund shall be operated
16 for a period of ten years from the date of the appropriation
17 Act therefor and at the termination of said period of ten years
18 any balance remaining therein shall revert to the Treasury,
19 and all lands acquired by the fund which have not been
20 deeded in trust to members of the Three Affiliated Tribes
21 shall be held by the United States in trust for the Three
22 Affiliated Tribes and shall be nontaxable and nonalienable
23 until otherwise provided by Congress.

1 SEC. 3. That the sum authorized to be appropriated by
2 section 2 of this joint resolution shall be used to bring about
3 the consolidation of Indian allotted and tribal lands into eco-
4 nomic use units. The Commissioner of Indian Affairs is
5 authorized to acquire by purchase or exchange any allotted,
6 inherited, or unrestricted lands, interests in lands and im-
7 provements, located in the Fort Berthold Reservation.
8 Lands so acquired by purchase or exchange for the Indians
9 will be taken in the name of the United States in trust for the
10 tribes or individual Indians and lands so acquired by the
11 tribes may be sold to or exchanged with members of the
12 Three Affiliated Tribes. Preference shall be given to the
13 original allottee in the purchase of or exchange for lands
14 acquired by the tribes under this section. These lands shall
15 have the same status as other tribal lands and be subject to
16 existing laws relating to sales or exchanges, and shall remain
17 nontaxable and nonalienable until otherwise provided by
18 Congress. Proceeds derived by members of the Three Affil-
19 iated Tribes for lands taken for the Garrison project may be
20 used to purchase lands acquired by the tribe with land re-
21 adjustment funds. The tribal authorities may make assign-
22 ments of land to needy members of the tribes in the manner
23 provided by existing law.

24 SEC. 4. To compensate adequately the Three Affiliated
25 Tribes and the individual members thereof for all breaches

1 of their treaty with the United States of September 17, 1851
2 (11 Stat. 749) ; for the abrogation of section 5 (e) of
3 article VI of the constitution and bylaws of the said Three
4 Affiliated Tribes of the Fort Berthold Reservation, adopted
5 in accordance with section 16 of the Indian Reorganization
6 Act of June 18, 1934 (48 Stat. 984) ; for the disruption
7 of the economic, social, religious, and community life of the
8 said tribes; for reducing the said tribes to the condition of
9 displaced persons; for the destruction of the basic industry
10 of the said tribes; for the intangible costs of relocation and
11 the reestablishment of a sound economic base for the future
12 of said tribes and their adjustment to the new fields of
13 endeavor to be created by the construction and operation
14 of Garrison Dam and Reservoir, none of which is covered by
15 or compensated for by the appropriation made by said Act
16 of July 31, 1947, and which is not covered by or compen-
17 sated for in the contract hereinbefore set out, there is hereby
18 authorized to be appropriated, out of any money in the
19 Treasury not otherwise appropriated, the sum of \$6,500,000,
20 and when said sum shall have been appropriated it shall
21 be credited to the Three Affiliated Tribes in the Treasury of
22 the United States and draw interest at the rate of 4 per
23 centum per annum, and shall be available for expenditure
24 by the Tribal Council of the said Three Affiliated Tribes of

1 the Fort Berthold Reservation with the approval of the
2 Commissioner of Indian Affairs.

3 SEC. 5. That when electric power is available at the
4 Garrison project, there is hereby reserved and set aside a
5 block of power amounting to at least twenty thousand kilo-
6 watts to be delivered at a point or points on the reservation
7 and at a voltage to be determined by the Commissioner of
8 Indian Affairs for use by the Three Affiliated Tribes on the
9 residual Fort Berthold Reservation as it may be extended,
10 and that the tribe or its authorized representative with the
11 approval of the Commissioner of Indian Affairs shall pay
12 for the amount of power used at a rate not to exceed 2 mills
13 per kilowatt-hour. Until such time as the tribe shall require
14 for uses on the reservation for the benefit of tribal enterprises
15 and other enterprises, individual members and for other uses
16 within the exterior boundaries of the reservation, as it may
17 be extended, the amount of the reserved unit of power not
18 actually being used within the reservation may be used by
19 the United States or its agency as may be required off the
20 Fort Berthold Reservation. This electric energy may be
21 used for any and all purposes as may be determined upon
22 by the Tribal Council with the approval of the Commis-
23 sioner of Indian Affairs.

24 SEC. 6. That, under the direction of the Secretary of the
25 Interior, there shall be made complete investigations as to

1 the feasibility of providing irrigation within the residual
2 areas of the Fort Berthold Reservation and there shall be
3 constructed, maintained, and operated irrigation works on
4 the lands within the residual area upon the findings of
5 feasibility of providing such irrigation facilities. The pro-
6 visions for such investigations and irrigation works shall ex-
7 tend to any Indian individual or tribal trust lands acquired in
8 the future. The facilities thus provided for the irrigation of
9 Indian lands shall be not less favorable to the Indian lands
10 than for non-Indian lands provided with such irrigation
11 facilities, and the cost assessable against the land properly
12 chargeable as an irrigation cost shall be not more than the
13 cost of providing similar facilities to other lands receiving
14 benefits from the Garrison Dam. The repayment of the
15 share of the cost to be borne by the Indian lands shall be
16 subject to the terms and conditions of other laws applicable
17 to Indian lands, including the Act of July 1, 1932 (47 Stat.
18 564-565).

19 SEC. 7. The fund of \$5,105,625, appropriated by Public
20 Law 296, Eightieth Congress, for compensation to the Three
21 Affiliated Tribes shall bear interest at 4 per centum per
22 annum in the Treasury of the United States, from July 31,
23 1947, and the interest shall likewise be credited to the Three
24 Affiliated Tribes. The said funds shall be and remain non-
25 taxable.

1 SEC. 8. In no event shall any portion of the fund of
2 \$5,105,625 and any or all funds appropriated under the
3 authority of this joint resolution become liable, payable, or
4 subject to any debt or debts of the Three Affiliated Tribes
5 and the members thereof contracted prior to the passage of
6 this joint resolution, except debts to the United States or
7 the Three Affiliated Tribes: *Provided*, That all outstanding
8 obligations incurred by members of the Three Affiliated
9 Tribes in connection with Farm Security Administration,
10 Farm Home Administration, and seed and feed loan pro-
11 grams of the Federal Government shall be and are hereby
12 canceled.

13 SEC. 9. The foregoing conditions and requirements, and
14 the funds made available and those authorized to be appro-
15 priated in this joint resolution, when appropriated, shall be
16 in complete and final settlement of all the rights, interests,
17 and claims whatsoever of the Three Affiliated Tribes and the
18 members thereof against the United States by reason of the
19 construction of the Garrison Dam and Reservoir project,
20 North Dakota.

21 SEC. 10. It is hereby recognized that the royalties pro-
22 vided for in article XII of the contract shall apply to all
23 minerals, including oil and gas, as therein dealt with.

1 SEC. 11. There is hereby authorized to be appropriated,
2 out of any money in the Treasury not otherwise appropriated,
3 such sums as are required to carry out the conditions, provi-
4 sions, and requirements of this joint resolution.

SIST CONGRESS
1ST Session

H. J. RES. 33

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

By Mr. LEWKE

JANUARY 3, 1949

Referred to the Committee on Public Lands

FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA

HEARINGS

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS OF THE COMMITTEE ON PUBLIC LANDS HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

FIRST SESSION

ON

H. J. Res. 33

PROVIDING FOR THE RATIFICATION BY CONGRESS OF
THE CONTRACT TO PURCHASE INDIAN LANDS BY THE
UNITED STATES FROM THE THREE AFFILIATED TRIBES
OF FORT BERTHOLD, NORTH DAKOTA

APRIL 29, 30, MAY 2 AND 3, 1949

Serial No. 7

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PROVIDING FOR THE RATIFICATION BY CONGRESS OF A
CONTRACT FOR THE PURCHASE OF CERTAIN INDIAN
LANDS BY THE UNITED STATES FROM THE THREE
AFFILIATED TRIBES OF FORT BERTHOLD RESERVA-
TION, N. DAK., AND FOR OTHER RELATED PURPOSES

FRIDAY, APRIL 29, 1949

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE
COMMITTEE ON PUBLIC LANDS,
Washington, D. C.

The subcommittee met, pursuant to call, at 9 a. m., in the committee room of the House Committee on Public Lands, the Honorable Toby Morris (chairman of the subcommittee) presiding.

Mr. MORRIS. The subcommittee will now come to order.

We have for consideration this morning House Joint Resolution 33, providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes.

The joint resolution will be inserted in the record at this point.

(The joint resolution is as follows:)

[H. J. Res. 33, 81st Cong., 1st sess.]

JOINT RESOLUTION Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the additional terms and conditions hereinafter set forth in sections 2 to 11, inclusive, which are made a part of this ratification, the following contract by and between the United States of America and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, entered into on May 20, 1948, pursuant to the provisions of the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), is hereby ratified by the Congress, to wit:

CONTRACT

BY AND BETWEEN THE UNITED STATES AND THE INDIANS OF THE FORT BERTHOLD RESERVATION AS PROVIDED FOR BY PUBLIC LAW 296, EIGHTIETH CONGRESS, FIRST SESSION

This contract, made and entered into this 20th day of May 1948, by and between the United States of America, hereinafter called the "government," represented by the Chief of Engineers, United States Army, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, hereinafter

called the "tribes," with the approval of a majority of the adult members of said tribes, witnesseth that—

Whereas, an item in the War Department's Civil Appropriations Act, 1948 (Public Law 296, Eightieth Congress, approved July 31, 1947), appropriating funds for "Flood Control, General," provides:

"Garrison (North Dakota) Reservoir: For acquisition of the lands and rights therein within the taking line of Garrison Reservoir, which lands lie within the area now established as the Fort Berthold Indian Reservation, North Dakota, including all elements of value above or below the surface thereof and including all improvements, severance damages, and reestablishment and relocation costs, the sum of \$5,105,625, which said sum is included in the total allocated under this Act for the said Garrison Reservoir and which shall be deposited in the Treasury of the United States to the credit of the Three Affiliated Tribes of Fort Berthold Reservation, to be subject to withdrawal and disbursement as herein provided. This amount is made available subject to the following conditions subsequent and in the event the said conditions are not complied with then this amount shall lapse and be thereby null and void. Said conditions subsequent are:

That a contract between the United States and the said Three Affiliated Tribes shall be negotiated and approved by a majority of the adult members of said tribes and enacted into law by the Congress, providing for the conveyance of said lands and interests and the use and distribution of said fund and that disbursements from said fund shall be made forthwith in accordance with said approved contract and Act of Congress.

That said contract shall be submitted to the Congress on or before the first day of June 1948: *Provided, however*, That, notwithstanding said contract or the provisions of this Act, the said Three Affiliated Tribes may bring suit in the Court of Claims as provided in section 24 of the Act of August 13, 1946, on account of additional damages, if any, alleged to have been sustained by said tribes by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation on account of any treaty obligation of the Government or any intangible cost of reestablishment or relocation, for which the said tribes are not compensated by the said \$5,105,625."

Now, Therefore, the parties hereto do mutually agree as follows:

ARTICLE I

The tribes, notwithstanding this contract, reserve to themselves all their rights and privileges to pursue further their claims against the government by filing suit in the Court of Claims in accordance with Public Law 296 or by petitioning Congress for additional relief legislation, or both.

ARTICLE II

The lands to be taken or acquired by the United States under this contract, to be hereinafter referred to as the "Taking Area", are described as follows:

PART A—WITHIN RESERVATION BOUNDARIES

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence North to South sixteenth line; thence East to East Section line; thence South to Southeast corner of said Section 6; thence West to West line of the East half of the East half of the Northeast quarter ($\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to East and West quarter line; thence East to the East line of the West half of the Northwest quarter of the Southwest quarter of Section 8; thence South to South sixteenth line; thence East to the North and South quarter line; thence North to center of said Section; thence East to East Section line; thence South to South sixteenth line; thence West to the East sixteenth line; thence South to North sixteenth line of Section 17; thence East to the West sixteenth line of Section 16; thence North to North Section line; thence East to North quarter corner; thence South to center of said Section; thence East to East sixteenth line of Section 15; thence South to South sixteenth line; thence West to North and South quarter line; thence South to North line of the South half of the Southeast quarter of the Southwest quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line; thence

South to the South Section line; thence West to the Southwest corner of Section 15; thence South to North sixteenth line of Section 22; thence East to North and South quarter line; thence North to the North line of the South half of the Northwest quarter of the Northeast quarter ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence East to East sixteenth line; thence North to the North line of Section 22; thence East to West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to the South sixteenth line; thence East to West sixteenth line of Section 14; thence South to the South Section line; thence West to the Southwest corner of said Section 14; thence South to the North sixteenth line of Section 23; thence East to the West sixteenth line; thence South to the South sixteenth line; thence East to the East sixteenth line; thence North to the North sixteenth line; thence East to the East Section line; thence North to the Northeast corner of Section 23; thence East to the East line of the West half of the East half of the Northwest quarter of Section 24; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southwest quarter; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to the East quarter corner of Section 24, Township 150 North, Range 93 West of the 5th P. M.; thence East to West sixteenth line of Section 19, Township 150 North, Range 92 West of the 5th P. M.; thence South to North sixteenth line of Section 30; thence East to East line of Section 30; thence South to the North line of the South half of the Southwest quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 29; thence East to the West sixteenth line; thence North to the South line of the North half of the Northwest quarter of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West to the West Section line; thence North to South sixteenth line of Section 20; thence East to the West sixteenth line; thence South to South Section line; thence East to the East sixteenth line; thence North to the East and West quarter line; thence East to the East quarter corner of Section 20; thence South to the West quarter corner of Section 28; thence East to center of said Section; thence South to South sixteenth line; thence East to the East Section line; thence South to the Southeast corner of Section 28; thence East to the East sixteenth line of Section 34; thence South to the North sixteenth line; thence East to West sixteenth line of Section 35; thence North to the North Section line; thence East to the North quarter corner of Section 35; thence North to the center of Section 26; thence East to the East sixteenth line; thence North to South sixteenth line of Section 23; thence West to the North and South quarter line; thence North to the North sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Northwest quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth line of Section 14; thence East to the North and South quarter line; thence South to South Section line; thence East to West sixteenth line of Section 13; thence North to South sixteenth line; thence East to North and South quarter line; thence South to South quarter corner; thence East to the East sixteenth line; thence North to South sixteenth line; thence East to East line of Section 13, Township 150 North, Range 92 West of the 5th P. M.; thence North to the West quarter corner of Section 18, Township 150 North, Range 91 West; thence East to the West sixteenth line; thence North to North sixteenth line; thence East to East sixteenth line; thence North to the North Section line; thence West to the North quarter corner of Section 18; thence North to South sixteenth line of Section 7; thence East to the East Section line; thence North to the Northeast corner of Section 7; thence West to South quarter corner of Section 6; thence North to center of Section 6; thence West to West sixteenth line; thence North to North line of Section 6; thence East along Township line between Townships 150 & 151 North to the Northwest corner of Section 1; thence South to West quarter corner; thence East to West sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line; thence South to South Section line; thence East to Southeast corner of Section 1, Township 150 North, Range 91 West of 5th P. M.; thence South to the North line of the South half of Lot 2 of Section 7, Township 150 North, Range 90 West of the 5th P. M.; thence East to the West line of the East 20 acres of Lot 2; thence South to the East and West quarter line; thence West to the West quarter corner; thence South to the Southwest corner of Section 7; thence East to the West line of the East 20 acres of Lot 1 of Section 18; thence South to South line of said Section 18; thence East to the West sixteenth line of Section 19; thence South to North sixteenth line; thence West to West Section line; thence South to Southwest corner; thence East to the South quarter corner; thence North to center of Section; thence East to

East quarter corner; thence South to North sixteenth line of Section 29; thence East to North and South quarter line; thence South to center of Section; thence West to West quarter corner of Section 29; thence South to South sixteenth line of Section 30; thence West to West sixteenth line; thence South to the South line of Section 31, Township 150 North, Range 90 West of the 5th P. M.; thence South along the West sixteenth line of Section 6, Township 149 North, Range 90 West of the 5th P. M. to the South line of said Section 6; thence East to North quarter corner of Section 7; thence South to South sixteenth line; thence East to the West sixteenth line of Section 8; thence North to East and West quarter line; thence West to West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the Southeast quarter of the Northwest quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to North sixteenth line; thence East to the West line of the East half of the Northwest quarter of the Northeast quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Section line; thence East to the Northeast corner of Section 8; thence North to South sixteenth line of Section 4; thence East to West sixteenth line; thence North to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence East to East sixteenth line; thence South to North sixteenth line of Section 9; thence East to East line of Section 9; thence South to South sixteenth line of Section 10; thence East to West sixteenth line; thence North to North Section line; thence East to East sixteenth line; thence South to East and West quarter line; thence East to East quarter corner of Section 10; thence South to South sixteenth line of Section 11; thence East to West sixteenth line of Section 11; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of Section 11; thence South to South sixteenth line of Section 12; thence East to East Section line; thence South to North sixteenth line of Section 13; thence West to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter line; thence West to the East sixteenth line; thence South to South line of Section 13; thence East to the East line of the West half of the Northeast quarter of the Northeast quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to the North sixteenth line; thence West to the West sixteenth line; thence North to the North Section line; thence West to the Northwest corner of Section 24; thence South to the North sixteenth line of Section 23; thence West to North and South quarter line; thence North to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South quarter line of Section 22; thence South to center of Section; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to East sixteenth line of Section 21; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of Section 21; thence South to North sixteenth line of Section 27; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence West to North and South quarter line of Section 28; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to West Section line; thence South to West quarter corner of Section 33; thence East to West sixteenth line; thence South to South line of Section 33, Township 149 North, Range 90 West of the 5th P. M.; thence East along North line of Section 1, Township 148 North, Range 91 West of the 5th P. M. to the Northeast corner; thence South to South sixteenth line; thence West to East sixteenth line; thence South to East and West quarter line of Section 12; thence West to center of Section; thence South to South Section line; thence West to East sixteenth line of Section 14; thence South to East and West quarter line; thence West to East line of the West half of the Northwest quarter of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line; thence West to North and South quarter line; thence South to South quarter corner; thence East to Southeast corner of Section 14; thence South to North sixteenth line of Section 24; thence East to West sixteenth line; thence South to East and West quarter line; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of Section 24, Township 148 North, Range 91 West of the 5th P. M.; thence South to West quarter corner of Section

19, Township 148 North, Range 90 West of the 5th P. M.; thence East to center of Section; thence South to South sixteenth line; thence East to East line of Section 19; thence North to North sixteenth line of Section 20; thence East to North and South quarter line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to the East line of the West half of the Northwest quarter of the Northwest quarter ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North sixteenth line; thence East to the North and South quarter line; thence North to the South sixteenth line of Section 21; thence East to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to North sixteenth line; thence East to the East sixteenth line; thence South to East and West quarter line; thence East to the East quarter corner; thence South to the North sixteenth line of Section 27; thence East to the West sixteenth line; thence South to East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to North section line; thence East to West sixteenth line of Section 26; thence South to East and West quarter line; thence East to East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of Section 26; thence North to the West quarter corner of Section 25; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 25, Township 148 North, Range 90 West of the 5th P. M.; thence North to South sixteenth line of Section 30, Township 148 North, Range 89 West of the 5th P. M.; thence East to West sixteenth line; thence South to North sixteenth line of Section 31; thence West to West Section line; thence South to Southwest corner; thence East to West sixteenth line; thence North to East and West quarter line; thence East to East sixteenth line; thence North to North sixteenth line; thence East to the East line of Section 31; thence South to South sixteenth line of Section 32; thence East to North and South quarter line; thence South to South quarter corner; thence East to East sixteenth line; thence North to South sixteenth line; thence East to East Section line; thence South to Southeast corner of Section 32, Township 148 North, Range 89 West of the 5th P. M.; thence West to the West line of the East half of Lot 1 of Section 5, Township 147 North, Range 89 West of the 5th P. M.; thence South to East and West quarter line; thence East to West sixteenth line of Section 4; thence North to North sixteenth line; thence East to East line of Section 4; thence South to South sixteenth line of Section 3; thence East to West sixteenth line; thence South to South line of Section 3; thence East to the East line of the West half of the Northwest quarter of the Northeast quarter of Section 10; thence South to North sixteenth line; thence East to the East sixteenth line; thence South to the East and West quarter line; thence East to East quarter corner of Section 10; thence South to South sixteenth line of Section 11; thence East to North and South quarter line of Section 12; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of Section 12; thence East to West sixteenth line of Section 1; thence North to South sixteenth line; thence West to West section line; thence North to North line of the South half of the Southwest quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South quarter corner; thence East to Southeast corner of Section 1, Township 147 North, Range 89 West of the 5th P. M.; thence South to the North line of the South half of Lot 1 of Section 7, Township 147 North, Range 88 West of the 5th P. M.; thence East to the West sixteenth line; thence North to the North line of Section 7; thence East to the South quarter corner of Section 6; thence North to the North line of the South half of the Southwest quarter of the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence East to the East sixteenth line; thence South to the South line of the North half of the Northwest quarter of the Northeast quarter ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and South quarter line; thence South to the North line of the South half of the North half of the Southeast quarter ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East Section line; thence North to the East quarter corner of Section 7; thence East to the West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8; thence North to the North sixteenth line; thence East to the North and South quarter line; thence North to the North quarter corner; thence East to the Northeast corner; thence South to the South line of the North half of the Northeast quarter of the

Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence West to East sixteenth line; thence South to the South line of the North half of the Southwest quarter of the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter line; thence South to center of Section; thence West to the East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to the South line of Section 8; thence West to West sixteenth line of Section 17; thence South to the North line of the South half of the Northeast quarter of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to East sixteenth line; thence North to North line of Section 17; thence East to West line of the East half of the Southeast quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 8; thence North to South sixteenth line; thence East to East line of Section 8; thence South to North line of the South half of the South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South quarter line; thence South to South quarter corner of Section 9; thence West to West sixteenth line of Section 16; thence South to North line of the South half of the Northwest quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West to West Section line; thence South to North line of the South half of the Southwest quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence West to West sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 16; thence North to South sixteenth line of Section 15; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of Section 15; thence South to North sixteenth line of Section 14; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner of Section 14; thence North to North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North and South quarter line; thence South to North sixteenth line; thence East to East sixteenth line; thence North to North line of the South half of the Northeast quarter of the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East line of Section 13, Township 147 North, Range 88 West of the 5th P. M.; thence North to West quarter corner of Section 7, Township 147 North, Range 87 West of the 5th P. M.; thence East to center of Section; thence North to North quarter corner; thence East to East sixteenth line; thence South to East and West quarter line; thence East to East quarter corner of Section 7; thence North to North line of the South half of the Southwest quarter of the Northwest quarter of Section 8; thence East to West sixteenth line; thence North to North sixteenth line; thence East to West line of the East half of the Northeast quarter of the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to North Section line; thence East to East line of the West half of the Northwest quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line; thence West to North and South quarter line; thence South to center of Section; thence West to East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence East to East sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northeast quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence South to Southeast corner of Section 8; thence East to South quarter corner of Section 9; thence North to North line of the South half of the North half of the Southeast quarter ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9; thence South to South sixteenth line of Section 10; thence East to the East line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the Southeast quarter of the Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence North to South sixteenth line; thence East to the East line of the West half of the Southwest quarter of the Southwest quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to the South line of the Northwest quarter of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of Section 14; thence West to the East line of the Southwest quarter of the Northeast quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East and West quarter line; thence East to East quarter corner of Section 15; thence South to the North line of the South half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$) of Section 14; thence East to North and South quarter line; thence South to the North line of the South half of the South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section

14; thence North to the South sixteenth line of Section 13; thence East to the West line of the East half of the Northwest quarter of the Southwest quarter ($E\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence East to an intersection with the East boundary of the Fort Berthold Indian Reservation, as surveyed, at a point 2,321 feet East of the East quarter corner of Section 13, Township 147 North, Range 87 West of the 5th P. M.; thence South 25° West along said Reservation Boundary Line, as surveyed, to the low water line of the right bank of the Missouri River; thence upstream along said low water line of the right bank of the Missouri River to a point 1,663 feet North and 1,305 feet West of the East quarter corner of Section 1, Township 146 North, Range 88 West of the 5th P. M., said point being on the East boundary of the Ft. Berthold Indian Reservation, as surveyed; thence South $53^{\circ} 09'$ West along said Reservation Boundary, as surveyed, to the East line of Section 16; thence North to the South sixteenth line of Section 10; thence East to West sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 10; thence North to North sixteenth line of Section 9; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner; thence North to Northeast corner of Section 8; thence West to East sixteenth line of Section 8; thence South to South line of Section; thence East to Southeast corner of Section 8; thence South to North sixteenth line of Section 16; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South on North and South quarter line to the Ft. Berthold Indian Reservation Boundary Line; thence South $53^{\circ} 09'$ West along said Boundary line to the Southeast corner of Section 17; thence West to the East sixteenth line of Section 18; thence North to the North line of Section 18; thence West to the West sixteenth line of Section 7; thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence West to the West line of Section 7, Township 146 North, Range 88 West of the 5th P. M.; thence West on North sixteenth line of Section 12, Township 146 North, Range 89 West of the 5th P. M. to the North and South quarter line; thence South to South sixteenth line; thence East to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence West to center of Section 11; thence South to North line of the South half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line; thence North to West quarter corner of Section 11; thence West to East sixteenth line of Section 10; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 10; thence East to South quarter corner of Section 2; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East section line; thence North to Northeast corner of Section 2; thence East to West sixteenth line of Section 1; thence South to North sixteenth line; thence East to North and South quarter line; thence South to the South line of the North half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence East to East line of Section 1, Township 146 North, Range 89 West of the 5th P. M.; thence North to the South sixteenth line of Section 36, Township 147 North, Range 89 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 36; thence North to North sixteenth line of Section 35; thence West to West sixteenth line; thence North to North Section line; thence West to Southeast corner of Section 28; thence North to East quarter corner; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line; thence West to East line of the West half of the Northeast quarter of the Southwest quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West quarter corner of Section 28; thence North to North Sixteenth line of Section 29; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of Section 29; thence East to South quarter corner of Section 20; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth lines; thence West to the West line of the

East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence North to East and West quarter line; thence West to center of Section; thence South to South sixteenth line; thence West to the East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to the Southwest corner of Section 19, Township 147 North, Range 89 West of the 5th P. M.; thence West to North quarter corner of Section 25, Township 147 North, Range 90 West of the 5th P. M.; thence South to North Sixteenth line; thence East to East Section line; thence South to East quarter corner; thence West to the East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence West to South quarter corner of Section 26; thence North to South sixteenth line; thence West to the West Section line; thence South to Southwest corner of Section 26; thence West to South quarter corner of Section 27; thence North to center of Section; thence East to East quarter corner of Section 27; thence North to North sixteenth line of Section 26; thence East to North and South quarter line; thence North to center of Section 23; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of Section 23; thence East to Southeast corner of Section 14; thence North to East quarter corner; thence West to East sixteenth line; thence North to North sixteenth line; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner of Section 14; thence North to North sixteenth line of Section 15; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West line of Section 15; thence South to South sixteenth line of Section 16; thence West to East sixteenth line; thence South to South Section line; thence West to South quarter corner; thence North to North quarter corner; thence West to West sixteenth line; thence South to East and west quarter line; thence West to West quarter corner of Section 16; thence South to North sixteenth line of Section 20; thence West to East sixteenth line; thence North to North Section line; thence West to North quarter corner; thence South to North sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line of Section 17; thence West to West quarter corner of said Section 17; thence North to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 18; thence West to North and South quarter line; thence North to North quarter corner; thence East to Northeast corner of Section 18; thence North to South sixteenth line of Section 7; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East 20 acres of Lot 5; thence South to South section line; thence West to Southwest corner of Section 7, Township 147 North, Range 90 West of the 5th P. M.; thence West along South line of Section 12, Township 147 North, Range 91 West of the 5th P. M. to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to the East line of the West half of the Northwest quarter of the Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and West quarter line; thence East to East sixteenth line; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 11; thence West to the West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence North to South sixteenth line; thence West to East sixteenth line; thence North to East and West quarter line; thence West to East sixteenth line of Section 3; thence North to North sixteenth line; thence West to North and South quarter line; thence North to North quarter corner; thence West to Northwest corner; thence South to West quarter corner; thence East to West sixteenth line; thence South to South sixteenth line of said Section; thence West to North and South quarter line of Section 4; thence North to North sixteenth line; thence West to West Section line; thence South to West quarter corner of Section 4; thence West to center of Section 5; thence South to South sixteenth line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West line of Section 5; thence South to East quarter corner of Section 6; thence West to East sixteenth line; thence North to North line of said Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence North on East sixteenth line of

Section 31, Township 148 North, Range 91 West of the 5th P. M. to East and West quarter line; thence West to West quarter corner; thence South to South sixteenth line; thence East to West sixteenth line; thence South to South line of Section 31, Township 148 North, Range 91 West of the 5th P. M.; thence East to North quarter corner of Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West section line; thence South to West quarter corner; thence East to the West line of the East 20 acres of Lot 6; thence South to South line of Section 6; thence East to West sixteenth line of Section 7; thence South to East and West quarter line; thence East to center of Section; thence South to South quarter corner; thence West to Southwest corner of Section 7, Township 147 North, Range 91 West of the 5th P. M.; thence West on North line of Section 13, Township 147 North, Range 92 West of the 5th P. M. to the East sixteenth line; thence South to East and West quarter line; thence West to West quarter corner; thence North to North West corner of Section 13; thence East to West sixteenth line of Section 12; thence North to North Section line; thence West to Southeast corner of Section 3; thence North to East quarter corner; thence West to the West Line of the East half of the Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth line; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West sixteenth line; thence South to South sixteenth line; thence West to East sixteenth line of Section 4; thence North to North sixteenth line; thence West to East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to South sixteenth line; thence West to West sixteenth line; thence South to South Section line; thence East to South quarter corner of Section 4; thence South to North sixteenth line of Section 9; thence West to West sixteenth line; thence South to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to North and South quarter line; thence South to South quarter corner of Section 9; thence West to West sixteenth line of Section 16; thence South to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter of Section 17; thence North to North line of said Section 17; thence West to East sixteenth line of Section 8; thence North to South sixteenth line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence West to center of Section; thence South to South sixteenth line of Section 17; thence East to East sixteenth line; thence South to North line of the South half of the Southeast quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence South to Southeast corner; thence West to South quarter corner of Section 17; thence South to North sixteenth line of Section 20; thence East to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence South to South quarter corner of Section 20; thence East to East line of the West half of the Northwest quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 29; thence South to South line of the Southwest quarter of the Southwest quarter of the Northeast quarter ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter line; thence South to South sixteenth line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to the Southeast corner of Section 29; thence South to West quarter corner of Section 33; thence East to West sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence East to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section 33, Township 147 North, Range 92 West of the 5th P. M.; thence East to Northwest corner of Section 3, township 146 North Range 92 West of the 5th P. M.; thence South to North line of the South half of the South half of the North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line; thence South to East quarter corner of said Section 3; thence East to West sixteenth line of Section 2; thence South to South sixteenth line; thence East to West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to West Section line; thence North to South line of the North half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of Section 3; thence West to West line of said Section 3; thence

North to South sixteenth line of Section 4; thence West to North and South quarter line; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to West Section line; thence South to Southwest corner of Section 4; thence West to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence North to South sixteenth line; thence East to West line of the East half of the Northeast quarter of the Southeast quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to North Section line; thence West to Northwest corner of Section 5, Township 146 North, Range 92 West of the 5th P. M.; thence North to the South line of the North half of the South half of the Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township 147 North, Range 92 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to Southwest corner of Section; thence North on the West line of said Section 31, Township 147 North, Range 92 West of the 5th P. M. to an intersection with the low water line of the Little Missouri River at the left or North bank of said stream; thence upstream in a Northwesterly direction with said low water line of the left bank, a distance of approximately 23 miles to an intersection with the North and South quarter line of Section 34, Township 148 North, Range 95 West of the 5th P. M.; thence North along said quarter line to the North quarter corner of said section; thence East to Northeast corner of Section 34; thence South to North sixteenth line of Section 35; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence South to Southeast corner of Section 35, Township 148 North, Range 95 West of the 5th P. M.; thence East to North quarter corner of Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence South to center of Section; thence East to East quarter corner of and Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence East to West sixteenth line of Section 5, Township 147 North, Range 94 West of the 5th P. M.; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 5; thence South to North sixteenth line of Section 17; thence West to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 17; thence South to West quarter corner of Section 21; thence East to center of Section; thence North to North sixteenth line; thence East to East sixteenth line; thence North to North Section line of Section 21; thence East to South quarter corner of Section 14; thence North to South line of the North half of the Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northwest quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and South quarter line; thence South to center of Section; thence East to East sixteenth line of Section 13; thence South to South sixteenth line; thence East to East section line; thence South to Southeast corner of said Section 13, Township 147 North, Range 94 West of the 5th P. M.; thence East to South quarter corner of Section 18, Township 147 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of said Section 18; thence South to South sixteenth line of Section 20; thence East to East Section line; thence South to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28; thence East to North and South quarter line; thence South to North sixteenth line; thence East to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to West sixteenth line of Section 27; thence North to North Section line; thence East to North quarter corner; thence South to center of Section; thence East to East sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line of Section 26; thence North to North sixteenth line; thence East to East line of said Section 26; thence South to South sixteenth line of Section 25; thence East to East line of said Section 25, Township 147 North, Range 93 West of the 5th P. M.; thence East along the South sixteenth line of Section 30, Township 147 North, Range 92 West of the 5th P. M. to the North and South quarter line; thence North to center of Section 19; thence East to East sixteenth line; thence North to North Section

line; thence West to Northwest corner of said Section 19, Township 147 North, Range 92 West of the 5th P. M.; thence West to South quarter corner of Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to center of Section; thence East to East quarter corner of said Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to North sixteenth line of Section 7, Township 147 North, Range 92 West of 5th P. M.; thence East to West sixteenth line; thence North to South sixteenth line of Section 6; thence East to East sixteenth line; thence North to East and West quarter line; thence West to West line of said Section 6, Township 147 North, Range 92 West of the 5th P. M.; thence South to South sixteenth line of Section 1, Township 147 North, Range 93 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to West sixteenth line; thence North to South sixteenth line; thence West to West line of said Section 1; thence North to South line of the North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence West to East sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northeast quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line; thence North to Northeast corner of said Section 2, Township 147 North, Range 93 West of the 5th P. M.; thence West to South quarter corner of Section 35, Township 148 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence West to West Section line; thence North to West quarter corner of said Section 35; thence West to center of Section 34; thence North to North quarter corner; thence East to North quarter corner of Section 35; thence South to center of Section; thence East to West sixteenth line of Section 36; thence South to South Section line; thence East to Southeast corner of said Section 36, Township 148 North, Range 93 West of the 5th P. M.; thence North to the North line of the South half of the South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to South quarter corner; thence East to South quarter corner of Section 32; thence North to South sixteenth line; thence West to East sixteenth line of Section 31; thence North to East and West quarter line; thence East to East quarter corner of said Section 31; thence North to North line of the South half of the North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Section line; thence North to South line of the North half of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence West to East sixteenth line of Section 31; thence North to North Section line; thence West to Northwest corner of said Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line of Section 25, Township 14 North, Range 93 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to center of Section; thence North to North quarter corner of said Section 25; thence West to West sixteenth line of Section 24, thence North to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 24, Township 148 North, Range 93 West of the 5th P. M.; thence South to the North line of the South half of Lot 2, Section 30, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence North to Northeast corner of said Section 30; thence East to East line of the West half of the East half of the Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence South to East and West quarter line; thence East to East sixteenth line of Section 28; thence South to South sixteenth line; thence East to West sixteenth line of Section 27; thence North to East and West quarter line; thence West to West quarter corner; thence North to Northwest corner of said Section 2; thence West to East sixteenth line of Section 21; thence North to East and West quarter line; thence East to West sixteenth line of Section 22; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner of said Section 22; thence South to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 27; thence East to East line of said Section 27; thence South to North sixteenth line of Section 26; thence East to West line of the East half of the Southeast quarter of the Northwest quarter; thence South to South sixteenth line; thence West to the West sixteenth line; thence South to South Section line; thence East to East sixteenth line; thence North to South sixteenth line; thence East to East Sec-

tion line; thence North to Northeast corner of said Section 26; thence East to Northeast corner of Section 25; thence North to South sixteenth line of Section 24; thence West to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 24, Township 148 North, Range 92 West of the 5th P. M.; thence South to North sixteenth line of Section 19, Township 148 North, Range 91 West of the 5th P. M.; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence East to the East Section line; thence South to the Southeast corner of said Section 19; thence East to South quarter corner of Section 20; thence North to North sixteenth line; thence West to West sixteenth line; thence North to South sixteenth line of Section 17; thence West to West Section line; thence North to North sixteenth line; thence East to West sixteenth line; thence North to North line of said Section 17; then West to the West line of the East half of the West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Section 8; thence North to East and West quarter line; thence East to center of Section; thence North to South line of the North half of the Southeast quarter of the Northwest quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 8; thence West to South quarter corner of Section 6; thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of said Section 6; thence South to South sixteenth line of Section 5; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of said Section 5, Township 148 North, Range 91 West of the 5th P. M.; thence East to East sixteenth line of Section 34, Township 149 North, Range 91 West of the 5th P. M.; thence North to South sixteenth line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner of said Section 34; thence South to South sixteenth line of Section 35; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North Section line; thence East to North quarter corner of said Section 35; thence North to center of Section 26; thence East to East sixteenth line; thence North to North Section line; thence West to North quarter corner of said Section 26; thence North to South sixteenth line of Section 23; thence West to West line of the East half of the Northeast quarter of the Southwest quarter ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 23; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to West line of the East half of the West half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North Section line; thence West to North quarter corner of said Section 15; thence North to center of Section 10; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 9; thence North to South sixteenth line of Section 4; thence West to West sixteenth line; thence North to North Section line; thence West to Northwest corner of said Section 4, Township 149 North, Range 91 West of 5th P. M.; thence North to East quarter of Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to West quarter corner; thence South to Southwest corner of said Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line; thence West to East Section line; thence South to North line of the South half of Lot 6 of said section; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to Southwest corner of said Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 1, Township 149 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to the East line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South line of the

Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West Section line; thence South to Southwest corner of said Section 1; thence West to West sixteenth line of Section 11; thence South to North line of the South half of the Northeast quarter of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northwest quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line; thence East to East sixteenth line; thence South to North line of the Southwest quarter of the Southeast quarter of the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line of the Southwest quarter of the Southeast quarter of the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to East quarter corner; thence South to Southeast corner of said Section; thence West to East sixteenth line; thence North to South sixteenth line; thence West to North and South quarter line of Section 11; thence South to North sixteenth line of Section 14; thence West to East line of the West half of the Southwest quarter of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West quarter corner; thence South to Southwest corner of said Section 14; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence North to the North line of the Southeast quarter of the Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East section line; thence North to Northeast corner of said Section 16; thence East to the South quarter corner of Section 10; thence North to South sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 10; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 3; thence North to South sixteenth line; thence West to West Section line; thence North to West quarter corner of said Section 3; thence West to center of Section 4; thence South to South quarter corner; thence West to West sixteenth line; thence North to South line of the North half of the Northwest quarter of the Southwest quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence West to West line of said Section 4; thence North to South line of the North half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$) of Section 5; thence West to North and South quarter line; thence North to North quarter corner; thence West to Northwest corner of said Section 5; thence South to North sixteenth line of Section 6; thence West to West sixteenth line; thence North to North line of said Section 6, Township 149 North, Range 92 West of the 5th P. M.; thence East to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence West to East sixteenth line of Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence North to East and West quarter line; thence West to center of Section; thence South to South quarter corner of said Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence West to the East line of the West half of the East half of the Northwest quarter of Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence South to East and West quarter line; thence West to West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence East to West sixteenth line; thence North to North line of said Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence West to Southeast corner of Section 35, Township 150 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence West to East sixteenth line; thence South to South Section line; thence West to West sixteenth line; thence North to South sixteenth line; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line of Section 35; thence West to West line of the East half of the East half of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34; thence North to North Section line; thence West to North quarter corner; thence South to North sixteenth line; thence West to East sixteenth line of Section 33; thence North to North Section line; thence East to Northeast corner of said Section 33; thence North to East quarter corner of Section 28; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 29; thence South to East and West quarter line; thence West to East line of the West

half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Section 29; thence West to West sixteenth line of Section 32; thence South to North sixteenth line; thence West to West Section line; thence South to West quarter corner of said Section 32; thence West to East sixteenth line of Section 31; thence North to North Section line; thence East to Northeast corner of said Section 31; thence North to West quarter corner of Section 29; thence East to West sixteenth line; thence North to East and West quarter line of Section 20; thence West to West quarter corner of said Section 20; thence North to North sixteenth line of Section 19; thence West to West line of said Section 19, Township 150 North, Range 93 West of the 5th P. M.; thence South to East quarter corner of Section 24, Township 150 North, Range 94 West of the 5th P. M.; thence West to West line of the East half of the Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 24; thence West to Southeast corner of Section 14; thence North to South sixteenth line; thence West to West line of said Section 14; thence South to Southeast corner of Section 15; thence West to Southwest corner of said Section 15; thence North to South sixteenth line of Section 16; thence West to North and South quarter line; thence North to North sixteenth line; thence East to North and South quarter line of Section 15; thence South to center of Section; thence East to East quarter corner of said Section 15; thence North to Northwest corner of Section 14; thence East to North quarter corner of Section 13; thence South to North sixteenth line; thence East to East Section line; thence North to Northeast corner of said Section 13; thence West to East sixteenth line of Section 12; thence North to South sixteenth line; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East half of the Southeast quarter of the Northwest quarter ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to West line of Section 12; thence North to North sixteenth line of Section 2; thence West to East sixteenth line; thence North to North line of said Section 2, Township 150 North, Range 94 West of the 5th P. M.; thence North on East sixteenth line of Section 35, Township 151 North, Range 94 West of the 5th P. M. to the East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to South sixteenth line of Section 26; thence West to North and South quarter line; thence North to center of Section; thence East to East quarter corner of said Section 26; thence North to Southwest corner of Section 24; thence East to West sixteenth line; thence North to South sixteenth line of Section 13; thence West to West Section line; thence South to Southwest corner of said Section 13; thence West to East sixteenth line of Section 14; thence North to East and West quarter line; thence West to West line of the East half of the West half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North line of said Section 14; thence East to East sixteenth line of Section 11; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 11; thence West to East sixteenth line of Section 10; thence North to East and West quarter line; thence East to East quarter corner; thence North to Northeast corner of said Section 10; thence West to South quarter corner of Section 3; thence North to North line of the South half of the Northwest quarter of the Southeast quarter ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northeast quarter of the Southeast quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line of Section 3; thence East to West sixteenth line of Section 2; thence South to South Section line; thence East to South quarter corner of said Section 2; thence South on North and South quarter line of Section 11 to North sixteenth line; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 11; thence South to North sixteenth line of Section 12; thence East to North and South quarter line; thence North to North sixteenth line of Section 1; thence West to West sixteenth line; thence North to North line of Section 1, Township 151 North, Range 94 West of the 5th P. M.; thence North on the West sixteenth line of Section 36, Township 152 North, Range 94 West of the 5th P. M. to the South sixteenth line; thence East to North and South quarter line; thence North to North quarter corner; thence East to Northeast corner of said Section 36, Township 152 North, Range 94 West of the 5th P. M.; thence East to the South quarter corner of Section 30, Township 152 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence East to the East Section line;

thence North to Northeast corner of said Section 30; thence East to South quarter corner of Section 20; thence North to South sixteenth line; thence East to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to West quarter corner of Section 16; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 16; thence North to Southeast corner of Section 9; thence West to South quarter corner; thence North 2,441.3 feet along the North and South quarter line to the North boundary of the Ft. Berthold Indian Reservation line as surveyed; thence East with said Reservation line approximately two (2) miles to the low water line of the Missouri River at the left bank of said stream; thence downstream with said low water line approximately seven (7) miles to the East and West quarter line of Section 7, Township 151 North, Range 93 West of the 5th P. M.; thence East to center of Section; thence South to South quarter corner of said Section 7; thence West to the West sixteenth line of Section 18; thence South to South Section line; thence East to South quarter corner of said Section 18; thence South to North sixteenth line of Section 30; thence West to West sixteenth line; thence South to South sixteenth line; thence West to the West Section line; thence South to the Southwest corner of Section 31, Township 151 North, Range 93 West of the 5th P. M., being the same point as the point of beginning; also Lot 2, Southeast quarter of the Northeast quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), Southeast quarter of the Southwest quarter of the Southeast quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section Line and on the West by a line 660 feet East and parallel to the North and South quarter line of said Section 13, Township 147 North, Range 87 West of the 5th P. M., containing in the aggregate, less water surface, 175,716.44 acres, more or less, EXCEPTING therefrom the following described lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N	92 W	5	Lot 1	40.10
147 N	91 W	2	Lots 3, 4, $S\frac{1}{2}NW\frac{1}{4}$	158.20
147 N	92 W	4	Lots 3, 4 & 5	71.60
		5	Lots 1, 2, 3	75.62
		32	Lot 7, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$	149.36
147 N	94 W	14	$W\frac{1}{2}SE\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11	102.45
		23	Lots 5, 6, 7, 8, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$	209.81
148 N	91 W	17	$NW\frac{1}{4}NE\frac{1}{4}$	40.00
		33	$W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$	45.00
148 N	92 W	32	Lots 4 & 5	66.03
149 N	91 W	11	$NW\frac{1}{4}NW\frac{1}{4}$	40.00
		14	$S\frac{1}{2}NW\frac{1}{4}$	80.00
		15	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		23	$NW\frac{1}{4}NE\frac{1}{4}$	40.00
150 N	91 W	34	$SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$	10.00

McKENZIE COUNTY

152 N	93 W	15	$SW\frac{1}{4}$	160.00
		28	Lot 1, $SW\frac{1}{4}NE\frac{1}{4}$ less erosions	62.91
		29	$N\frac{1}{2}$, $SW\frac{1}{4}$	480.00
		31	Lots 1, 2, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$	308.88
		32	Lots 1, 2, 3, 5, $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$ plus accretions.	324.54
		33	Lot 2, plus accretions	18.91
152 N	94 W	36	$NE\frac{1}{4}$	160.00

McLEAN COUNTY

Township	Range	Section	Description	Acres
147 N	87 W	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.28
		19	Lots, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions	111.42
		23	Lots 3 & 4 less erosions	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N	88 W	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ E $\frac{1}{2}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		36	Lots 1, 2 & 3	53.00
147 N	89 W	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		6	Lot 4	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N	90 W	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N	89 W	30	Lot 4	35.14
148 N	90 W	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
148 N	90 W	25	S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		26	W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$	120.00
		27	SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	240.00
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
		29	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	360.00
		30	Lots 3 & 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	311.47
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	311.81
		32	SW $\frac{1}{4}$	160.00
		33	SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	280.00
		34	SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		35	N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
		36	W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
148 N	91 W	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	268.44
		2	Lots 1 & 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	377.35
		12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N	91 W	24	SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		25	NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$	480.00
		26	Lots 4 & 5 plus accretions.	74.88
		36	NE $\frac{1}{4}$	160.00
149 N	90 W	8	SE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
		10	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		12	S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
		13	N $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
		14	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	280.00
		15	NE $\frac{1}{4}$	160.00
		16	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	160.00
		17	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	122.50
		18	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	278.87
		19	NE $\frac{1}{4}$	160.00
		20	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		21	S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		22	N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	100.00
		23	N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	100.00
		27	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		28	NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		29	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		31	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		32	S $\frac{1}{2}$	320.00
		33	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
149 N	91 W	13	Lot 1	45.78

McLEAN COUNTY—Continued

Township	Range	Section	Description	Acres
150 N	91 W	1	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
		2	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$	239.36
		4	Lots 1 & 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$	158.44
		6	Lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	319.21
		9	SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, 1 acre in the extreme SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$	201.00
		10	NE $\frac{1}{4}$, Lots 1, 2, 3 and SW $\frac{1}{4}$ SW $\frac{1}{4}$	259.60
		11	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		12	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	560.00
		13	NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$	397.30
		16	S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, also the following described tract; Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
		17	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	42.50
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		24	Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	288.29
		8	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	240.00
		9	NW $\frac{1}{4}$	160.00
		2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
146 N	89 W	11	N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	360.00
147 N	89 W	18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		27	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
147 N	90 W	25	E $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

150 N	92 W	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		26	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	160.00
		28	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		29	E $\frac{1}{2}$	320.00
		33	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		34	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	120.00
		35	N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		36	S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
		14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
150 N	93 W	15	N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	120.00
		16	Lot 1 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ plus accretions	79.97
		17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		22	N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$	40.00
		23	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ plus accretions	178.26
		26	N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00

said exceptions, as tabulated above, containing 20,804.83 acres, more or less.

Total area of lands held by the Three Affiliated Tribes within the Reservation Boundaries and within the Taking Line of the Garrison Reservoir is 154,911.61 acres, more or less.

PART B—RURAL AREAS

MOUNTRAIL COUNTY

151 N	92 W	24	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
151 N	93 W	6	Lot 5	32.11
		7	Lot 2	10.69
		8	NW $\frac{1}{4}$	160.00
152 N	93 W	22	Lot 3	29.24
		23	Lots 1 & 2	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$	98.12
			Total	543.89

PART C.—IN TOWNSITES OF VAN HOOK AND SANISH, NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9.....	All.	28 to 29.....	All.
10.....	3, 5 to 16.	30.....	9 to 16.
15.....	6, 15, 16.	31.....	All.
16.....	9, 10, 16.	33 to 36.....	All.
17.....	8, 9, 10, 12 to 15.	37.....	5 to 16.
18.....	All.	38 to 40.....	All.
19.....	2 to 9.	41.....	1, 2, 9 to 16.
20 to 26.....	All.	42.....	All.
27.....	1 to 8.		

SANISH

1 to 14.....	All.	49.....	1, 4 to 12.
15.....	1 to 17, 19, 20.	50.....	7 to 12.
16 & 17.....	All.	51 & 52.....	All.
18.....	1 to 6, 9, 10, 12.	53.....	1 to 6, 9 to 12.
19 & 20.....	All.	54.....	8, 9, 10, 12.
21.....	1 to 9.	55.....	7, 8.
22.....	1 to 6, 10.	56.....	10, 11, 12.
23 & 24.....	All.	57.....	10, 11.
25.....	1, 2, 3.	58.....	9 to 12.
26.....	1 to 6, 8, 11, 12.	59.....	5, 6.
27.....	1, 2, 9, 11.	60.....	1 to 6.
28.....	2, 11, 12.	61.....	1, 2, 3, 9 to 20.
29 & 30.....	All.	62.....	1 to 5, 8.
32.....	1 to 6, 11.	65.....	3 to 6.
33.....	1 to 6.	66.....	1 to 4, 6.
34.....	2 to 8, 12 to 20.	67.....	1 to 15.
35 & 36.....	All.	68.....	1 to 6, 8, to 12.
37.....	1 to 7, 10 to 12.	69.....	5, 6, 7.
39.....	1 to 6, 12.	70.....	1, 2, 4.
40.....	All.	71 & 72.....	All.
41.....	1 to 14, 19, 20.	73.....	3, 7 to 12.
42.....	2, 4, 8.	74.....	All.
44.....	2 to 7.	75.....	1, 2, 7 to 10.
46.....	1 to 3, 9, 10, 12.	76 to 81.....	All.
47.....	2 to 6, 9.	82.....	1, 2, 3.
48.....	1 to 6, 8 to 12.	84.....	3.

PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH AND VAN HOOK, NORTH DAKOTA

VAN HOOK

Block	Lots
32.....	All.

SANISH

31.....	All.
42.....	6, 7.
43.....	All.

Part E, all rights in coal heretofore reserved to the Tribes in the following described lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N	92 W	5	Lot 1	40.10
147 N	92 W	4	Lots 3, 4 & 5	71.60
		5	Lots 1, 2 & 3	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	149.36
147 N	94 W	22	Lots 7, 8, 9 & 11	102.45
		23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N	92 W	32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$	146.03
149 N	91 W	14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

McKENZIE COUNTY

152 N	93 W	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148.88
152 N	94 W	36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

147 N	87 W	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
147 N	88 W	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N	90 W	21	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
149 N	90 W	12	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
150 N	91 W	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00

MERCER COUNTY

146 N	88 W	4	Lots 1 & 2	85.90
147 N	9 W	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00

MOUNTRAIL COUNTY

150 N	93 W	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Grand total				2,881.33

Together with all rights in coal reserved to the Tribes in patents issued for other lands within the Garrison Reservoir.

ARTICLE III

Section 1. The fund of \$5,105,625 shall be subject to disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior, hereinafter called the "Commissioner," for the following purposes;

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, to be taken for the Garrison Project;

(b) Costs of relocating and re-establishing the members of the tribes who reside within the Taking Area of the Garrison Project; and

(c) Costs of relocating and re-establishing Indian cemeteries, tribal monuments, and shrines within the Taking Area of the Garrison Project.

Section 2. The cost of relocating and re-establishing government-owned buildings, facilities, roads, and bridges will be paid from appropriations made or to be made for the construction of Garrison Reservoir, and funds for these purposes may, in the discretion of the Chief of Engineers, be transferred to the Commissioner for expenditure.

Section 3. No portion of the said fund of \$5,105,625 shall be expended by any agency of the government for any expense or cost incurred by it in carrying out the terms of this contract.

Section 4. Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) of Section 1 of this Article shall remain to the credit of the tribes.

Section 5. Lands and improvements belonging to any church, mission, missionary society or to any person not a member of the tribes are excluded from this contract and no part of the fund dealt with in this Article shall be used to pay for the same.

ARTICLE IV

Section 1. The Commissioner shall have prepared an appraisal schedule on an individual tract basis of the tribal and allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, he shall determine the fair market value of the land and improvements, giving full and proper weight to the following elements of appraisal: damage suffered by partial taking of any tract of land, value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. He shall also have the said schedule of appraisal submitted to the Chief of Engineers for approval.

Section 2. Upon approval by the Chief of Engineers, the Commissioner shall transmit to the Council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The Council and the interested individual Indians will have ninety days from the date of transmittal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

Section 3. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625.

Section 4. In all proceedings instituted in accordance with Section 3 of this Article, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

ARTICLE V

Section 1. The administrative responsibility for the removal, relocation, and reestablishment of the members of the tribes shall be vested in the Commissioner. The Commissioner shall prepare a plan of removal, together with the estimates of cost, and submit the same to the Chief of Engineers. Upon approval by the Chief of Engineers, the plan and estimates shall be transmitted to the Council and on approval by it the Commissioner shall carry out such plan. The plan shall include but shall not be restricted to the cost of transporting to their new locations members of the tribes, their household goods, farming equipment, livestock and other property, the cost of constructing fences and of developing domestic and livestock water supplies on the residual reservation as it may be extended, and the cost of dismantling, transporting, and reerecting salvageable buildings and improvements.

Section 2. The Chief of Engineers shall promptly submit to the Commissioner a schedule showing the approximate time of clearing the right-of-way of the Garrison Project within the Taking Area of the Fort Berthold Reservation. Thereafter the Chief of Engineers and the Commissioner shall at least annually review the schedule of removal to decide upon any changes proposed by either party. The Chief of Engineers shall, however, have final authority to determine any necessary changes required to be made in the schedule. The schedule shall provide for systematic and orderly clearing of the right-of-way by succession of segments.

ARTICLE VI

Section 1. The Commissioner shall prepare a plan, together with cost estimates, for the relocation and reestablishment of tribal monuments, shrines, and other tribal facilities, and for the disinterment and reinterment of all bodies within the Taking Area, designated by the Council, allottees, heirs, and churches, and submit the same to the Chief of Engineers. Upon approval of the plan and cost estimates by the Chief of Engineers the Commissioner shall transmit the same to the Council and upon approval by it, the Commissioner shall carry out such plan.

Section 2. New sites for the reestablishment of monuments, shrines, private burials, and cemeteries shall be acquired out of the proceeds from the taking of present sites within the Taking Area. Titles to the new sites shall be of like character as exist for the sites acquired by the United States within the Taking Area.

Section 3. Responsibility for carrying out the plan provided for in Section 1 of this Article shall be undertaken, insofar as practicable, by the interested churches, heirs, allottees, Council, or keepers of a particular shrine. The removal plan shall provide for the employment of Indians and for tribal and religious ceremonies. The Commissioner, however, is authorized and directed to assume any responsibility not assumed by any other interested party or parties.

ARTICLE VII

The amount determined to be due the tribes for tribal lands and interests under the terms and conditions of this contract shall be held in trust by the United States for said tribes and may be used to acquire such other lands or other tribal property, or for such other purposes, as may be determined by the Council with the approval of the Commissioner. All lands thus acquired shall be held by the United States in trust for the benefit of the tribes as other tribal lands and shall be inalienable and nontaxable until otherwise provided by Congress, notwithstanding any other restrictions on the purchase of land under any other law.

ARTICLE VIII

Section 1. The amount determined to be due the individual allottees and other individual Indians shall be deposited to such individual Indians in their Individual Indian Money Accounts and shall be available for expenditures under the terms of this contract.

Section 2. Under regulations of the Secretary of the Interior or his duly authorized representative, the Superintendent of the Fort Berthold Reservation may authorize the disbursement of funds deposited in the Individual Money Accounts of nonresident members of the tribe and of such other members who, in his opinion, do not require supervision over such funds. Expenditures may be made from the accounts of individual Indians whenever necessary and desirable for the purchase of new lands, homes, or other property for such Indians.

Section 3. Title to new lands acquired with the proceeds deposited to the credit of the allottees or heirs shall be taken in the name of the United States in trust for the individual Indians entitled thereto, and shall be non-alienable and nontaxable until otherwise provided by Congress.

ARTICLE IX

Section 1. Upon the approval of this contract by the Council and by a majority of the adult members of the tribes and its enactment into law, it is, and shall be held to be a relinquishment and conveyance to the Government of all lands, rights and interests within the Taking Area by the tribes as to tribal lands and by the allottees and heirs as to allotted lands, and no further relinquishment or instrument of conveyance shall be required to extinguish the Indians' interest in and to such lands and rights and to vest the title in the United States.

ARTICLE X

Section 1. Within two years from the date of this contract the Commissioner, with the approval of the Council, will transmit to the Chief of Engineers a plan for the grazing of livestock between the taking line and the actual water line of the Garrison Reservoir within the residual Fort Berthold Reservation. The said plan shall be based upon the fullest development of the residual reservation for livestock, and shall be accompanied by one or more maps upon which the areas required for grazing shall be delimited. Upon approval of the plan by the Chief of Engineers, the grazing areas delimited for the use of reservation

livestock shall be permanently reserved to the tribes and the members thereof, and may not be reduced or changed thereafter except with the consent of the Commissioner and approval of the Council. The Council may promulgate Rules and Regulations for the utilization of the areas so reserved.

Section 2. In the preparation of the grazing area plan, provided for in Section 1 of this Article, the Commissioner shall, upon the advice of the Chief of Engineers, eliminate any feature which would interfere with the operation of the Garrison Project, but no reservation of land below the taking line of Garrison Reservoir for park, recreational, or wildlife conservation within the Fort Berthold Reservation shall operate to interfere with the prior right of the tribes and the members thereof to the grazing areas delimited by the Commissioner and approved by the Chief of Engineers, notwithstanding the provisions of Section 4 of the Flood Control Act of December 22, 1944 (Public Law No. 534, 78th Congress), as amended or supplemented by Section 4 of the Flood Control Act of July 24, 1946 (Public Law No. 526, 79th Congress).

Section 3. The Council will cooperate with the government and with the State of North Dakota in the conservation, development, and utilization of the wildlife resources within the Taking Area. The hunting and trapping rights of the tribes and the members thereof, as presently established, are expressly reserved to them, and the Council will have the right to issue licenses in accordance with tribal regulations. The tribes and the members thereof will be entitled to fish in Garrison Reservoir under such Rules and Regulations as the Chief of Engineers may establish, but they shall not be required to pay any license fee therefor.

Section 4. The right is reserved to the tribes for use by its members, under such terms and conditions as shall be determined upon by the Council and in accordance with plans approved by the Chief of Engineers, to establish boat harbors, wharfs and recreational areas within the Taking Area, provided that service and dock privileges shall not be made available to non-members of the tribes within the Taking Area of the Reservoir located within the exterior boundaries of the reservation except in accordance with regulations and schedules of rates approved by the tribes with the concurrence or approval of the Chief of Engineers.

ARTICLE XI

Section 1. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the District Engineer, Garrison District, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the District Engineer shall serve notice of such purpose at least three months prior thereto.

Section 2. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further condition that the District Engineer, Garrison District, shall serve notice of clearing at least three months prior thereto.

Section 3. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the District Engineer, Garrison District, fixes for the impoundment of waters.

Section 4. The District Engineer, Garrison District, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

ARTICLE XII

If, in the future, subsurface values are discovered within the Taking Area, which if known at that this time would increase the value of said area, and said values are reduced to money, then the tribes shall be entitled to have paid to them a royalty of one-eighth of the money received for the oil and gas extracted after the ratification of this agreement. Said royalties to be deposited to the tribal funds, or paid to allottees or heirs as their interests now appear.

ARTICLE XIII

This agreement has been reached upon the understanding that it was the intention of Congress that the entire reasonable cost of accomplishing the purposes set forth in subparagraphs (a), (b), and (c) of Section 1, Article III, should be paid from appropriations made or to be made for the construction of Garrison Reservoir; and that if the \$5,105,625 now available is insufficient to meet such reasonable costs as approved by the Chief of Engineers, such additional sum or sums as may be necessary therefore will be made available from appropriations for construction of Garrison Reservoir.

ARTICLE XIV

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

ARTICLE XV

This contract shall not become effective until it has been ratified by a majority of the adult members of the tribes, by the Council of the tribes, and on behalf of the United States by the enactment into law by the Congress.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

Witnesses:

RACHEL MORRIS
JOSEPH W. KIMBEL

The United States of America

By (Signed) R. A. WHEELER
Lieutenant General
Chief of Engineers,
U. S. Army.

The Three Affiliated Tribes of Fort
Berthold Indian Reservation.

ALLAN G. HARPER
J. B. SMITH
RALPH H. CASE
JOHN G. HUNTER
D'ARCY McNICKLE

By GEORGE GILLETTE
JAMES HALL, Sr.
MARK MAHTO
GEORGE CHARGING, Sr.
JOSEPH PACKINEAU
LEVI WATERS
EARL BATEMAN
LEO YOUNG WOLF
RUFUS STEVENSON, JBS
JAMES BAKER

Members of the Tribal
Business Council.

I, Mark Mahto, CERTIFY THAT I am the Secretary of the Tribal Business Council of the Three Affiliated Tribes named as a party to this contract, and that George Gillette, James Hall, Sr., Mark Mahto, George Charging, Joseph Packineau, Levi Waters, Earl Bateman, Leo Young Wolf, Rufus Stevenson, James Baker, who signed this contract on behalf of said tribes, constitute the duly elected and qualified Tribal Business Council.

In witness whereof, I have hereunto affixed my hand this 20th day of May, 1948.

[SEAL]

MARK MAHTO, Secretary.

We, Mark Mahto, Secretary of the Tribal Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, and Ben Reifel, Superintendent of the Fort Berthold Indian Agency, hereby jointly certify that 625 adult members of the said tribes have signified their approval of the foregoing contract consisting of 44 pages numbered 1 to 44 by affixing their signatures to papers bearing the legend "We approve the contract with the United States relating to lands affected by Garrison Reservoir," which papers are on file in the office of the Fort Berthold Indian Agency. We further certify that the signatures on said papers represent a majority of the adult members of the said tribes, the total number of adult members as of this date being 960.

MARK MAHTO, Secretary
BEN REIFEL, Superintendent.

I concur: May 20, 1948
J. A. KRUG
Secretary of the Interior

SEC. 2. That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,000,000 for the establishment of a land Readjustment Fund which shall be administered by the Commissioner of Indian Affairs. The fund shall be operated for the benefit of the Indians of the Three Affiliated Tribes in consolidating their land holdings and in purchasing land for needy members thereof. The fund shall be operated for a period of ten years from the date of the appropriation Act therefor and at the termination of said period of ten years any balance remaining therein shall revert to the Treasury, and all lands acquired by the fund which have not been deeded in trust to members of the Three Affiliated Tribes shall be held by the United States in trust for the Three Affiliated Tribes and shall be nontaxable and nonalienable until otherwise provided by Congress.

SEC. 3. That the sum authorized to be appropriated by section 2 of this joint resolution shall be used to bring about the consolidation of Indian allotted and tribal lands into economic use units. The Commissioner of Indian Affairs is authorized to acquire by purchase or exchange any allotted, inherited, or unrestricted lands, interests in lands and improvements, located in the Fort Berthold Reservation. Lands so acquired by purchase or exchange for the Indians will be taken in the name of the United States in trust for the tribes or individual Indians and lands so acquired by the tribes may be sold to or exchanged with members of the Three Affiliated Tribes. Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section. These lands shall have the same status as other tribal lands and be subject to existing laws relating to sales or exchanges, and shall remain nontaxable and nonalienable until otherwise provided by Congress. Proceeds derived by members of the Three Affiliated Tribes for lands taken for the Garrison project may be used to purchase lands acquired by the tribe with land readjustment funds. The tribal authorities may make assignments of land to needy members of the tribes in the manner provided by existing law.

SEC. 4. To compensate adequately the Three Affiliated Tribes and the individual members thereof for all breaches of their treaty with the United States of September 17, 1851 (11 Stat. 749); for the abrogation of section 5 (e) of article VI of the constitution and bylaws of the said Three Affiliated Tribes of the Fort Berthold Reservation, adopted in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); for the disruption of the economic, social, religious, and community life of the said tribes; for reducing the said tribes to the condition of displaced persons; for the destruction of the basic industry of the said tribes; for the intangible costs of relocation and the reestablishment of a sound economic base for the future of said tribes and their adjustment to the new fields of endeavor to be created by the construction and operation of Garrison Dam and Reservoir, none of which is covered by or compensated for by the appropriation made by said Act of July 31, 1947, and which is not covered by or compensated for in the contract hereinbefore set out, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,500,000, and when said sum shall have been appropriated it shall be credited to the Three Affiliated Tribes in the Treasury of the United States and draw interest at the rate of 4 per centum per annum, and shall be available for expenditure by the Tribal Council of the said Three Affiliated Tribes of the Fort Berthold Reservation with the approval of the Commissioner of Indian Affairs.

SEC. 5. That when electric power is available at the Garrison project, there is hereby reserved and set aside a hock of power amounting to at least twenty thousand kilowatts to be delivered at a point or points on the reservation and at a voltage to be determined by the Commissioner of Indian Affairs for use by the Three Affiliated Tribes on the residual Fort Berthold Reservation as it may be extended, and that the tribe or its authorized representative with the approval of the Commissioner of Indian Affairs shall pay for the amount of power used at a rate not to exceed 2 mills per kilowatt-hour. Until such time as the tribe shall require for uses on the reservation for the benefit of tribal enterprises and other enterprises, individual members and for other uses within the exterior boundaries of the reservation, as it may be extended, the amount of the reserved unit of power not actually being used within the reservation may be used by the United States or its agency as may be required off the Fort Berthold Reservation. This electric energy may be used for any and all purposes as may be determined upon by the Tribal Council with the approval of the Commissioner of Indian Affairs.

SEC. 6. That, under the direction of the Secretary of the Interior, there shall be made complete investigations as to the feasibility of providing irrigation within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future. The facilities thus provided for the irrigation of Indian lands shall be not less favorable to the Indian lands than for non-Indian lands provided with such irrigation facilities, and the cost assessable against the land properly chargeable as an irrigation cost shall be not more than the cost of providing similar facilities to other lands receiving benefits from the Garrison Dam. The repayment of the share of the cost to be borne by the Indian lands shall be subject to the terms and conditions of other laws applicable to Indian lands, including the Act of July 1, 1932 (47 Stat. 564-565).

SEC. 7. The fund of \$5,105,625, appropriated by Public Law 296, Eightieth Congress, for compensation to the Three Affiliated Tribes shall bear interest at 4 per centum per annum in the Treasury of the United States, from July 31, 1947, and the interest shall likewise be credited to the Three Affiliated Tribes. The said funds shall be and remain nontaxable.

SEC. 8. In no event shall any portion of the fund of \$5,105,625 and any or all funds appropriated under the authority of this joint resolution become liable, payable, or subject to any debt or debts of the Three Affiliated Tribes and the members thereof contracted prior to the passage of this joint resolution except debts to the United States or the Three Affiliated Tribes: *Provided*, That all outstanding obligations incurred by members of the Three Affiliated Tribes in connection with Farm Security Administration, Farm Home Administration, and seed and feed loan programs of the Federal Government shall be and are hereby canceled.

SEC. 9. The foregoing conditions and requirements, and the funds made available and those authorized to be appropriated in this joint resolution, when appropriated, shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

SEC. 10. It is hereby recognized that the royalties provided for in article XII of the contract shall apply to all minerals, including oil and gas, as therein dealt with.

SEC. 11. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as are required to carry out the conditions, provisions, and requirements of this joint resolution.

Mr. MORRIS. In view of the fact that we only have an hour to work this morning, since Congress goes in session at 10 o'clock under the 5-minute rule on the bill we are now considering, we must conclude before 10 o'clock, so I would like for the witnesses to help us by being as brief as they can, and get right down to the point. We do not want to rush so much that we do not fully consider this matter. We want to fully consider this matter, because this is a most important matter, but we would like for you to observe the propriety of time and help as much as you can.

Mr. LEMKE. Mr. Chairman, I wish to make a brief outline.

Mr. MORRIS. Yes, Mr. Lemke.

STATEMENT OF HON. WILLIAM LEMKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA

Mr. LEMKE. This is with regard to House Joint Resolution 33, which I introduced.

This resolution has the support of the Bureau of Indian Affairs, and its principal objective is to reimburse the Indians for 155,000 acres of land taken by the Garrison Dam.

I wish to state that the items included in the bill are:

First, the lands taken, which is the very heart of the reservation, the valley lands. It is the same as though you took the machinery out of a factory and left the four walls standing. You are destroying a going concern.

Next, we should consider that these Indians are our wards and under the treaty we agreed we would never again disturb them if they would take this land, after we took about 13,000,000 acres away from them for 10 cents an acre.

Then we have some obligations under that treaty. While the Supreme Court has held that Congress can break a treaty, it has also warned Congress it should not do it lightly.

Next, there is the question of a going concern, and the income that they receive from cattle and from the going concern which we are destroying.

Finally, there is the question of their being wards of the Government, and that the Government owes some obligation to a ward, when it breaks an agreement with a ward.

With that general outline I shall now ask that Congressman Burdick be permitted to make an opening statement.

This resolution carries an appropriation of something over \$14,600,000.

Mr. MORRIS. Congressman Burdick, we will be happy to hear from you at this time.

STATEMENT OF HON. USHER L. BURDICK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA

Mr. BURDICK. To start with, I have always been opposed to the taking of this land at all.

Now, as I understand it, a 1,850-foot water level in the pool itself will take 155,000 acres of Indian lands.

I want to say to the chairman and to the committee that as the law stands today the engineers have no authority to take any land above a pool level of 1,830 feet. I cannot inform the committee how many acres of the reservation land would be taken at a 1,830-foot level, but if 155,000 acres is taken on the 1,850-foot level much less land would be taken on the 1,830-foot level.

Mr. LEMKE. I may state to my colleague, however, that the Indians claim it makes no difference at all.

Mr. BURDICK. That is true. Because you might as well have the land covered 20 feet as to have it covered 5 feet. That is the theory.

I am for this bill because the first contact that the Army engineers made with the Indians was such that I think the sum was suggested to be \$5,300,000. They did not take into consideration the actual value of this good land.

I do not know whether the chairman is familiar with this river bottom or not.

Mr. MORRIS. No; I am sorry to say that I am not.

Mr. BURDICK. I would say that the Missouri River in some places is 3 or 4 miles wide, and in some places a mile wide, and those bottoms formed by the silt deposits, which go back through the centuries, have built up a soil that is from 15 to 20 feet deep, which is all soil, and they raise great crops in that area.

When the Members of Congress took a look at the proposed agreement on the paying for this land they saw at once that it was not anywhere near enough to fairly compensate the Indians. No provision had then been made for moving from one place to the other, and the best part of the reservation, of course, is along the river bottom where they raise livestock and preserve the livestock in the wintertime.

I do not think there is a place in the United States where that land can be duplicated. It is impossible to give them the same kind of land, because there is not enough of it.

You have to give them a chance to move out. They have to leave those houses. You cannot move them 150 miles or 200 miles, or wherever the place may be that they can find a new home, and the compensation for that, as suggested by Mr. Lemke in the first instance, I think, is very well within reason.

This bill now carries \$14,600,000, which is in itself only a fair compensation for the damage that is being done.

The rest of the reservation that is not covered with water would be the sharp hills, and it is impossible to have any irrigation there. They had the greatest chance for irrigation in the whole valley by using the river bottom. They have lost all that. They are on the pinnacles, and the Government should take that fact into consideration when they move these Indians off.

I live at Williston. I should judge that is 60 miles northwest on the river, the same as the Indians' land. The land I own today once belonged to them.

When the Government wanted to get the Indians off they took the mule teams from Fort Buford down to Williston, loaded up the men, women, and children, and hauled them down where they are now. There was nothing said about it, because the Army did it.

This is another case of the Army shoving them around again. If they are going to be shoved around, I want to see them paid for it.

I think the suggestion made by Mr. Lemke, when he introduced these amendments, was very, very conservative. He thought, in conference with Mr. Case, that that was about all they could reasonably expect from Congress, but I am telling you it is not enough. If I had drawn the bill I would have put in more. Probably it would have been poor policy, not getting it passed, but I am saying to you candidly that \$14,600,000 does not pay for that land.

I have the same kind of land, where I am. Right across the road from me last year it sold for \$100 an acre. It is alfalfa land. It is the greatest land in the world outside of the Nile Valley.

When you not only destroy your land but destroy the homes, and the method of living, and when you cannot get any land comparable to it anywhere in the country, I think it is a case where the Government ought to be glad to pay this \$14,600,000, and if they did justice they would give more.

Mr. MORRIS. We appreciate your statement very much, Congressman Burdick. We know that you are acquainted with the situation, and naturally your recommendations and your statement will carry a great deal of weight with us. We appreciate your appearance here.

Mr. BURDICK. Thank you, Mr. Chairman.

Mr. LEMKE. I would ask Mr. Case, the attorney: Who is your next witness; or do you want to open the case yourself?

Mr. CASE. In the absence of our chairman of the tribal council, I suggest that Rev. H. W. Case, of Elbowoods, N. Dak., Congregational missionary in the Indian country, be allowed to speak on the subject of the religious life of the people of this reservation and its consequent disruption by reason of the construction of the Garrison Dam and Reservoir.

Mr. MORRIS. Let me ask: About how long a statement would that be?

I promised this gentleman here that I definitely would hear his testimony before 10 o'clock. I am going to stay with that agreement. I think he appears in opposition, but it does not make any difference to me whether he is for or against the resolution. Everybody must be treated with fairness. I told him we would hear him before 10 o'clock, and I want to keep that agreement.

How long will this witness' testimony be?

Mr. CASE. I will assume the responsibility of yielding the floor to Mr. Martin Cross. Mr. Cross is here as a citizen, not as a representative of the tribal council, nor as a member. We know him very well. We recognize that while he is opposed to us he has the absolute right to state his position.

Mr. MORRIS. Every citizen has that right. If a man stands by himself he ought to be accorded that privilege. That is my theory. I stand alone myself, sometimes.

Mr. CASE. We are in hearty accord with that, and would be glad to yield to Mr. Martin Cross for such time as the Chair desires.

Mr. MORRIS. That is nice of you. The only thing was that if your witness would not take so much time that he could be heard, we would be glad to hear from you now.

Mr. CASE. Mr. Chairman, we would very much prefer, in view of the fact that we have just a short session this morning, as Mr. Lemke has told me, to defer the presentation of our case so that it could be an entirety.

Mr. MORRIS. Very well.

Mr. Cross, we will be glad to hear from you at this time.

Please give your name and any statement you want to make that will identify your interest in this matter in any way.

STATEMENT OF MARTIN CROSS OF THE FORT BERTHOLD INDIAN RESERVATION, ELBOWOODS, N. DAK.

Mr. Cross. Mr. Chairman and gentlemen of the committee. My name is Martin Cross. I reside at Elbowoods, North Dakota. I am enrolled as a member of the Three Affiliated Tribes of the Fort Berthold Indian Reservation. I appreciate this opportunity to appear and deliver my message orally to the committee. I have with me two petitions which combined have over 200 names that I am submitting as my credentials for this occasion. The petitions authorize me as their true representative and spokesman for the group. I am acting on those premises.

I earnestly request that my statements in their entirety and any colloquy that may ensue be printed as record and make it accessible to the Indians at home and other interested parties elsewhere in the United States.

I intend to speak frankly and freely—I will be as brief as possible. I will try to cover all the pertinent matters that pertain to my cause

here. I feel hopeful that the committee will indulge me the time to do so.

The Indian people I represent are now under the control and guardianship of the United States Government. They own property, own lands in severality, have equity in tribal property and lands held in common. They have at no time attempted to sever their tribal relations with the United States Government. They beg to remain in firm and lasting harmony with the United States Government.

We are not in favor of ratifying of this legislation House Joint Resolution 33. I will carry on from here; my remarks will have the effect and force of the group. I myself have opposed this legislation all along and I am opposing it now. I am doubly convinced that my reasons for opposing it are on a sound basis, logical, and of deep concern both to the Indians and the policy of the United States Government. Therefore, I feel justified in enumerating them here, and file them into the record to be considered with analysis and study of this bill. I hope the members of the committee will give careful consideration to them. I have always adhered to the principle that that Subcommittee of Indian Affairs is set up for the express purpose of protecting the constitutional rights and privileges of the Indians foremost in every consideration of Indian bills; that they are open to suggestions and opinions both legally and morally from both sides of the question. So, therefore, I am speaking here on those terms without fear of any consequence. I do not seek to do any injustice, nor do anything that might result in disastrous or deteriorating effect on my people. I wish to prevent any mistakes that will have lasting effect in the well-being of the Indian people.

Permit me to say that I am well acquainted with my congressional Members here in the United States Congress from the State of North Dakota. There are only four of them, a small number in comparison with other States, but their ability as statesmen is second to none. I have only the highest regard for them. I have every reason to believe that they will do their utmost to support my contentions. I realize that because of their position their advice and recommendations will have strong bearing on any situations in the State of North Dakota, including the Fort Berthold Reservation. I am also seeking the help of other Members of the United States Congress. I am most anxious to carry my problem to final determination.

This is not the first time that public interest has sought to acquire the lands of the Fort Berthold Indians. It has been done before in the 1866 treaty which opened the territory for railroads and by subsequent Executive Orders of 1870 and 1880 which reduced some more of our territory without our consent, until now we have only 600,000 acres left of our original 9,000,000 acres. Is that not depreciation enough? No; the public demands some more. Do you argue why we protest against this further demand? It seems imperative for me to reiterate and remind Uncle Sam at this time of some of the principles involved in this proposition. What I am about to say is within the deep recesses of your mind. I would like to bring it up again to the surface for this occasion to illustrate my point in the following statement.

I oppose the ratification of this legislation House Joint Resolution 33 or any similar legislation now pending in the mills of the United

States Congress wherein the main purpose is to acquire further tribal and individual-owned Indian lands for public purpose.

If you allow the Indians by legislation to sell their best lands, as in the case of Fort Berthold Indians, it is to rob and permit expatriation of their wealth. It not only constitutes breach of promise, but out and out is a violation of treaty stipulations of article VII of Fort Laramie Treaty of September 17, 1851. The Fort Berthold Indians are parties of the second part to this agreement, and it has stood the test of the Court of Claims. I am no attorney therefore I have no knowledge of the procedure of the United States Congress—how they carry out their acts. However, I have grown up with the belief that our rights and title to our lands were safe and secure in the protective custody of the United States Government. I have lived all my life under that atmosphere and have become so accustomed to that philosophy that any transition from that principle would result in a disastrous revolutionary process. I began to wonder if the validity of the Fort Laramie Treaty had become obsolete, or if the meaning had lost its charm. With all these facts and figures if such legislation as House Joint Resolution 33 is approved it will only lead to prove instability of our title to our lands and rights, and prove the hypocrisy of your wardship theory, and we do not wish to have that happen. We ask that Uncle Sam keep that predication intact.

We realize that the building of the Garrison Dam is a big item here in the United States Congress. Millions upon millions of dollars are being expended. The United States Army Engineer Corps is guaranteeing the job. Big names can be made. Everybody wants to get into the act. There is no opposition among the ranks of the United States Congress. It is a big issue. Any opposition raised is not strong enough against the irresistible force of the demand.

Mr. Benton Stong of MVA raises the issue that the feasibility of building such a big earth dam is unsafe. I want to side in with him. I oppose the Garrison Dam Reservoir because it will inundate the lands of the Fort Berthold Reservation and cause to be removed a whole community of Indians from their ancestral homes.

I feel that basically and morally, if Uncle Sam really wants to protect and respect the wishes of the Fort Berthold Indians it can do so without too much trouble. I think liberty-loving people will applaud and support such a stand.

We are classed as noncompetents. The Indian Bureau thrives on that fact. If we are really under the category of noncompetents, then legally we could not enter into contracts as parties.

Gentlemen, I would like to say a few words more, and then I will yield the floor.

That is the way the group that I represent feels. That is the attitude of the people who have sent me down here. They want to stand pat. They ask that the bill, House Joint Resolution 33 be not passed at this time for the following reasons:

The tribal council are unwilling to permit settlement of differences at home. Surely we do not want to burden the United States Congress to decide this matter for us. We feel that it will be a long time yet before the floodwaters of Garrison Dam will reach the doorsteps, and it is premature to feel any alarm today. We have ample time yet to make intelligent decisions. We know what we want. We know how to

ask for it, if permission is offered us. It is not necessary for someone else to do that.

The lump sum offered is not a satisfactory way of making us feel safe in accepting or considering the proposition. It must be a definite thing. We are not playing marbles. We are playing for keeps.

The Indian Office personnel have been around making appraisals of lands, homes, and improvements, but they have never told anyone how much they will receive.

As far as I am concerned, I think it is better to take the condemnation proceedings and receive less, than to settle by arbitration and not be satisfied.

There are some men among the group that we have here who have no property at all. They are here to chisel in on this proposition.

I look at it this way: Only those people who have the chance of being actual losers should be given the first consideration, and not those that have nothing to lose in this steal.

I will put it this way: If you do not have anything you never miss it.

Do not permit any witnesses here with that kind of presentation. Please question each witness as to his occupation, and the real and personal property which is involved in this transaction.

I know that some have nothing to lose, and everything to gain, if this bill goes through. Then I think some provision should be made, if you are going to approve this legislation, for some financial assistance to have it ready for those of us who are going to be moved. It does not make any difference whether you give us \$50,000,000 in the legislation, or something else, if you put it in charge of the tribal council or the Indian Bureau. It is pretty hard to get any money out of them. I do not have to repeat that. It is a fact.

However, I met the new Commissioner of Indian Affairs, and he struck me to prove himself better than we have ever had before, if I am any judge of a man.

There is something that has been left off the contract, so far as the cooperative powers, wherein the condition must be made on water rights. I think we live on both sides of the Missouri River, and I think we are entitled to the water rights of the Missouri River, which has been left out of the contract.

I think the tribal council has the veto power of selling any tribal lands, and putting them on the market for sale. They have never referred that matter to the people. That should be filed into the record.

Gentlemen, if I can answer any questions for you I am ready.

Mr. MORRIS. We appreciate your statement. Of course, we might or might not agree with you, but we definitely will give your statement very careful consideration.

We appreciate your appearing here and you are just as welcome, so far as I am concerned, and I am sure so far as the rest of the committee is concerned, as if you were supporting this matter.

What we want to do is to get at the facts, and the truth of this matter. Of course, we might or might not agree with you. I do not know about that, but we do welcome you here and we appreciate your coming in opposition to this bill. We will give your statement and the matters you have presented careful consideration.

The petitions you brought along will be filed and will become a part of the record in the case, as you request.

I might read this petition for the benefit of the committee, and then file it as a matter of record:

Fort Berthold Indian Reservation, Elbowoods, N. Dak., April 2, 1949. Petition to the various committees of the Congress, Members of Congress, Commissioner of Indian Affairs, to whom it may concern:

This is to certify that we, the undersigned, bona fide members of the three affiliated tribes of the Fort Berthold Reservation in State of North Dakota do hereby recommend Martin Cross a member of reservation to represent and act as our spokesman for our best interests in any pending legislation before the United States Congress. Be it further certified that Martin Cross be given an opportunity to present testimony in reference to joint resolution House Joint Resolution No. 33.

Further request that a small appropriation be made from our tribal funds which are not obligated held in the United States Treasury for purpose of assisting the functions of claims legislative council of Fort Berthold Reservation to comply with the terms of Indian Claims Commission (60 Stat. 959; 25 U. S. C. 70).

We respectfully request our congressional Members from North Dakota to extend all assistance and courtesies to our delegate.

Respectfully submitted.

And then signed by apparently a number of parties.

These petitions will be filed and made a part of the record.

(The documents are as follows:)

FORT BERTHOLD INDIAN RESERVATION,
Elbowoods, N. Dak., April 2, 1949.

PETITION

To the Various Committees of the Congress, Members of Congress, Commissioner of Indian Affairs to Whom It May Concern:

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Respectfully submitted,

Helen Wilkinson, John Wilkinson, Ruth Smith, Inez Crowsheart, Mae Smith, Walter S. Face, David Young Bear, Mrs. Walter S. Face, Philip Atkins, John Bears Tail, Emma Bears Tail, Mae Newman, Samuel Newman, Jr., Christine Little Owl, Jennie Smith, Lena Spotted Horse, Lucy Smith, Bertha Driver, Yakima Driver, Violet White Body, Audrey Reed, Vera Deane, Clyde Bears Tail, Lena Fox, Alfred Fox, Joseph Deane, Jack Nagel, Mamie Hunts Along, Margaret Deane, Mrs. Little Crow.

Agnes Conklin, Mae Sherwood, Mr. and Mrs. Geo. Howard, Sr., Mr. Dick Wolfe, Mrs. Fannie Wolfe, Francis Deane, Mary S. Smith, Mrs. Lillie Wolf, Lillie S. Coffey, Pete Coffey, Mary Wheeler, Fred Wheeler, Maggie Grinnell, Virginia Grinnell, Driver, George Spotted Wolf, Gertrude S. Wolf, Agnes Spotted Wolf, Sterling Spotted Wolf, Sadie Spotted Wolf, Fred Lone Bear, Sr., Ira Waters, Herbert White Owl, Alvin Black Hawk, Charley Parshall, Jack Black Hawk, Aletha Parshall, Ruby Parshall, Allen Horn, Mrs. Allen Horn, Georgieen Black Hawk, Bessie Elk, Lincoln Newman, Dave Grant, Chester Smith, Sarah Smith, Mary S. Burr, Nora Baker, Anna S. Gun, Alfred S. Smith, Gertrude Smith, Rachel D. Bull, James Horn, Julia Horn, Line

Horn, Moses G. Smith, Phoebe W. Smith, Charles Grant, Guy Fox, Grace Fox, Lucy L. O. Smith, Wm. Smith.
 Mrs. Rose Drags Wolf, Priscilla Bird, George Drags Wolf, Pearl Wolf, George Wolf, Margaret Wolfe, Rachel Wolf, Glen Fox, Mariam Bulls Eye, Carrie D. Fox, Naomi F. Bear, Mrs. Foolish Bear, Aline Lone Bear, Susie L. Bear, Adelbert Lone Bear, Josephine Dancing Bull, Cora Black Bear, Agnes Dancing Bull, Joseph Black Bear, Mrs. Verna Driver, George Many Ribs, Mrs. Many Ribs, Lee Fox, Ben L. Bear, Mrs. James H. Eagle, James H. Eagle, Victor Elk, Dora Smith, Belle Smith, Mary R. Smith, John S. Crow, Annie Fox, Calvin Dragswolfe, Leona Hale, Mary Eleanor Hale, Rosie Strasser, Mrs. Maggie Deserly, Grace M. Crow, Kennie Dragswolfe, Alice Dragswolf, Louis Drags Wolf, Francis Drags Wolfe, Mrs. Alfred Driver, Mr. Alfred Driver, Lulu Four Davies, Michael Mason, Sr., Mrs. Caroline Mason, Charles Grady, Sr., George W. Fox, Joe Young Bird, Mrs. Fannie Young Bird, Mrs. Lottie Necklace, Ivan Zotti, Mark Necklace, George Fast Dog, Ernestine D. Smith, Warren Wolf, Mary Fox, George E. Fox, Jr., Fred Gunn, Jr., Charles Grady, Jr., Raymond D. Bull, Cecil Smith, Hilda Smith, Bertha Whitebody, Peppermint X, Malcolm Whitebody, George Grinnell, Grace Grinnell, George Pershall.

FORT BERTHOLD INDIAN RESERVATION,
 ELBOW WOODS, N. DAK., April 2, 1949.

PETITION

To the Various Committees of the Congress, Members of Congress, Commissioner of Indian Affairs, to Whom It May Concern:

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Respectfully submitted.

Wm. J. Deane, Ernest Wilkinson, Jr., Harvey Hopkins, Jr., Robert Bear, Elmer Bear, Mrs. Rose Hand, Mrs. Nellie Y. Bird, Harvey Hopkins, Sr., Clair Everett, Fannie Everett, Lloyd Everett, Melphine Everett, Thomas Yellow Face, Mabel H. Wolf, Daniel H. Wolf, Olive Wells, Ralph Wells, Jr., Mamie White Tail, David White Tail, Stephen Price, William Wilkinson, Dora Bear, Pauline Bear, Hester Eagle, Joseph Eagle, Gilbert Eagle, Ralph L. Owl, Herbert Sitting Cow, Mrs. Corn Stalk, Sylven Sage.

Philip Snow, Flora Demaray, Eana S. Atkins, Margaret Haven, Charles Burr, Walter Young Bear, Mrs. Pearl Young Bear, Mrs. Ruth Young Bear, Mrs. Inez Crows Heart, Roy Crows Heart, Oscar Whiteman, Ivan Young Bear, Robert Lincoln, Mrs. Zora Lincoln, Alice Fredericks, Donald Whiteman, Tonie White Man, Joseph S. Face, Percy Rush, Jacob Bird, Pansy P. Bird, Mattie N. Grinnell, Bessie M. Huff, Mathew H. Eagle, Amos H. Eagle, Ethelyn H. Eagle, Mrs. Louise Saye.

(Discussion off the record.)

Mr. MORRIS. Congressman Lemke and Congressman D'Ewart may want to ask you some questions.

Mr. D'EWART. I have listened with a good deal of interest to your statement.

You have read this contract, I gather, rather carefully and know all the provisions of it?

Mr. CROSS. Yes; I read it, but I do not have the ability to get the picture into my mind.

Mr. D'EWART. This contract will not be conclusive until upon the approval of this contract by the council and by a majority of the adult members of the tribe and its enactment into law. In other words, not only the council, but a majority of the adult members of the tribe have to approve this before it becomes law. Has that been done up to date?

Mr. CROSS. I question that, Mr. D'Ewart, and at the joint committee hearing last June the tribal council failed to produce the signatures of the 625 they stated in that document. I challenge them. I wish the committee would check that again.

Mr. D'EWART. What particular provision of this contract is it that you are not satisfied with?

Mr. CROSS. Well, Mr. D'Ewart, it would take up too much time to say. I do not like it in the present form. I think it could be sent back for general overhauling. The present tribal council have had no opportunity to review this. They just took over what the previous council did.

Mr. D'EWART. This contract was considered, as you remember, before the Senate committee a year ago, and it was supposed to have been submitted to the tribe before then; and since then you have had a year to examine it.

Mr. CROSS. They never did that, sir. On my word of honor they never did it.

Mr. D'EWART. They never examined it?

Mr. CROSS. They never had referred it to the people.

Mr. D'EWART. How long do you think they need to examine it?

Mr. CROSS. Well, it might take quite a while. I would not say. If the tribal council gets busy and does some work that we expect, sir, from them, it might do it in 2 or 3 months.

Mr. D'EWART. Has your tribal council employed anybody to advise you in arriving at a fair settlement of these claims?

Mr. CROSS. Mr. Case, I would say.

Mr. D'EWART. I mean any engineer or accountants.

Mr. CROSS. No, sir.

Mr. D'EWART. Just an attorney?

Mr. CROSS. No, sir; there is no accountant and no engineer. We had a consultant engineer resident of Washington, D. C., but I think his service is terminated at the time he made an appearance before the Appropriations Committee on the Senate side.

Mr. D'EWART. As I remember the hearings a year ago the agreement had been arrived at between the Army engineers and the Indian Bureau and the tribal council, but it was not acceptable to the Senate at that time. That is my understanding.

Mr. CROSS. That is my version.

Mr. D'EWART. With the possible exception of the amount of payment. The other provisions of the contract, as I remember it, were not very much in dispute, except that the Senate insisted that the contract must be finally settled. There would be no future payments at all. The Senate made that very definite at that time, that they were refusing to accept this contract because it was not final settlement.

Mr. CROSS. I understand that, sir. Sections 2 to 11 inclusive, which are made part of this document, are the facts that I said were never referred to the people for approval or rejection.

Mr. D'EWART. If it is not final settlement I doubt very much that there is much use of sending it over to the Senate, because that was settled very clearly at that time.

Mr. CROSS. Yes, sir; you are right.

Mr. D'EWART. In reading over the provisions of this bill it does require that it have the approval of your tribal council and a majority of the adult members. In other words, it must be acceptable or else the provisions do not go into force. That is article 9.

I notice on the back end of the contract that the business council has signed the contract, but we have not had any indication yet as to the adult members.

Mr. CROSS. Yes, sir.

Mr. D'EWART. That is all.

Mr. MORRIS. Mr. Lemke?

Mr. LEMKE. I just wish to ask one question.

So that I may understand you, I think that at our hearings at Elbowoods and again today you are against any kind of a contract or any kind of a payment. You want to keep the land.

Mr. CROSS. That is right. Absolutely right.

Mr. LEMKE. I think we told you then and I will tell you now that that question is beyond the power of this committee. That dam is under construction. \$30,000,000 has been spent on it. It is a question now of salvaging what you can for the Indians. Do you think that you would get anywhere near as much by eminent-domain proceedings, which have been threatened and are taking place among the white people, as you would under this Joint Resolution 33?

Mr. CROSS. I think, Mr. Lemke, that I have made my position clear when I say it does not make any difference if you give us \$50,000,000, if you put it in the tribal council or the Indian Bureau. If you give it direct to me I will consider it.

Mr. LEMKE. But still a minute ago you said you were against any kind of a payment or any kind of a settlement. But you said that you wanted to keep the land. Is that right?

Mr. CROSS. At the present time, sir.

Mr. LEMKE. I would say to you, and I think I have already voiced the sentiment of every Indian and my own sentiment and the sentiment of Congressman Burdick, that our sentiments were the same as yours until it was an accomplished fact. We did not want the Indians dispossessed, but that is an accomplished fact. It is beyond the control of this committee, so the thing for us to do is to see how near we can come to doing justice.

Thank you. I am sure that your testimony will be carefully considered, with the other testimony.

Mr. CROSS. Thank you, sir. Thank you, Mr. Chairman.

Mr. MORRIS. We are glad to have had you with us. We are glad to accommodate you so that you can go on back today.

Mr. CROSS. Thank you, sir.

Mr. MORRIS. At this time and at this point in the record I would like to read a letter which was handed to me this morning, written by John Bad Brave. I do not know who the gentleman is, but perhaps you do.

Mr. CASE. A member of the tribal council, sir.

Mr. MORRIS. It is very short and I will read it for the record at this time. It is headed:

FORT BERTHOLD INDIAN RESERVATION,
SHELL CREEK DISTRICT,
April 19, 1947.

STATEMENT

*To Various Committees of Congress, Members of the United States Congress:
To Whom It May Concern:*

HONORED FRIENDS: I, John Bad Brave, member of the tribal council of Three Affiliated Tribes of Fort Berthold Indian Reservation, I am elected as one of the two councilmen from Shell Creek District, during the last election, September 7, 1948.

I make the following statement in regard to my position on the legislation House Joint Resolution 33.

This said contract was the work of the previous council which we succeed. I did not help formulate any of the provisions.

When I assumed the office I had anticipated that we would review the contract and its provisions and take a stand for continuance of the same contract or contrary, but there was some discussion but no official action taken to approve or reject the contract.

The tribal council as a body never had any part in formulation of sections 2 to 11 of this bill.

Respectfully submitted,

JOHN BAD BRAVE.

In view of that letter, which has been handed me, did you want to ask any questions about this, Mr. Lemke?

Mr. LEMKE. No. I understand when they bring up their case this will be presented in order, and all the way down the line.

Mr. MORRIS. Very well, then. That will become a part of the record.

Now, ladies and gentlemen, we can work a few more minutes here. In order to accommodate you good folks who have come here on this very important matter. If it meets with your approval, we are going to hold a session for you in the morning, which is unusual. Our work is such here that it is a very bad practice, ordinarily, for us to have committee meetings on Saturdays. It is not because we have a lot of leisure time and that we like to take Saturdays off and not do anything, but we usually use Saturdays for working in other fields. Our work is very heavy here, and we have a lot of things to do, but we are happy to accommodate you by holding this committee for you, since you have come here from out of town, and we will hold a meeting for you in the morning which, as I say, is an unusual practice. We will be glad to do that for you if that is your wish.

Would you like for us to do that?

Mr. CASE. We would very much, indeed, and we would be very happy to be able to start tomorrow morning to present our case in chief.

Mr. MORRIS. Yes, sir.

This testimony just given, I think, would appear logically in the record at the end of your case. We are doing this to accommodate this particular party, and I think your case should be presented first, and then this in refutation of it, but we can arrange whatever is proper on that.

Off the record.

(Discussion off the record.)

Mr. CASE. Mr. Chairman, may I have 5 minutes out of the remaining 13 minutes before the hour strikes 10 o'clock?

Mr. MORRIS. You certainly may.

Mr. CASE. I would like to make just a few observations.

Mr. MORRIS. We will set our hearings in the morning at 9 o'clock. Let us all be here at 9 o'clock. That precious hour is needed.

You may proceed, Mr. Case.

STATEMENT OF RALPH H. CASE, GENERAL COUNSEL, THREE AFFILIATED TRIBES, FORT BERTHOLD RESERVATION OF NORTH DAKOTA, WASHINGTON, D. C.

Mr. CASE. I would like to call the committee's attention to two or three facts. Mr. Cross is representing a group of 200. There are 2,215 people on the reservation. A number of those people sincerely believe that the treaty is superior and that the dam should not be built at all. That has been their position.

Mr. MORRIS. May I interrupt you right there?

Mr. CASE. Yes, sir.

Mr. MORRIS. Will you please give your name and your representative capacity for the record?

Mr. CASE. I am Ralph H. Case, general counsel, Three Affiliated Tribes, Fort Berthold Reservation, N. Dak. My address is the National Press Building, Washington, D. C.

Mr. MORRIS. Thank you, sir. Go right ahead.

Mr. CASE. Nearly all of the people, I can safely say, or about 99 percent of the people in 1945 and 1946 were violently opposed to the construction of the dam and the taking of the land. They had many reasons behind them.

We came to the Congress. I was their counsel in 1946, and an amendment was made to the civil functions bill which stopped the expenditure of money for the Garrison Dam until the negotiations were had with the Indians, and the lieu land offered. There was a deadline on that of December 31, 1946.

An offer was made and the offer was rejected by the Indians and by the Secretary of the Interior in writing.

We come to 1947. The same controversy arose. In the meantime, no money was being expended for the construction of the dam itself, but millions of dollars were being expended properly and legally for construction of access railways and all preliminary work along the shores.

In 1947 we attempted to write a paragraph for the pending civil functions bill. Senator Gurney, occupying the chair, directed Lt. Gen. R. A. Wheeler and me to get together and prepare something in writing as an amendment to the civil functions bill. We did, and he went before the committee with a disagreement between General Wheeler and me as to the amount in the bill. We could not agree. We did agree on the language. We did not agree on the amount.

General Wheeler and I went to Senator Gurney, and with considerable trouble we absolutely had to take him out of one of his other committee meetings. It was late in the session, and it was very, very difficult to reach anybody. We, however, got Senator Gurney to come to a special conference with General Wheeler and with me, and General Wheeler and I turned the matter over to Senator Gurney in good faith on both sides and said, "There it is. There is our agreement as to language and disagreement as to amount." I, at that time, was ask-

ing for at least \$12,000,000 and General Wheeler was asking for \$5,105,-675. Senator Gurney, in his judgment, accepted our agreement as to the language and accepted General Wheeler's suggestion as to the amount, but with a further amendment reserving the right of these people either to sue in the Court of Claims or to further petition Congress for relief legislation.

Then came the period when we drafted the contract. The contract was drawn. It was worked over for 30 days by General Wheeler, General Crawford, and the legal adviser, the officers of the Interior Department, the Tribal Council, and myself. It was day after day for a solid month that we worked out that contract, and we presented the contract within the deadline required, which was the first day of June 1948, and at that time we were at the point of adjournment. We were in a very close position. The contract was signed, sir, by all the members of the Tribal Council, by the Secretary of the Interior, and by the Chief of Engineers on the 20th day of May 1948. It was presented to the Congress.

We then had complied with the statute of 1947. The Congress, as Mr. D'Ewart referred to, had that contract before it. It also had the provisions of the supplemental sections in a separate resolution, a separate Senate resolution.

We met in joint session with the members of your committee and the members of the Senate committee, with Senator Watkins in the chair. When Senator Watkins discovered—and the record will show this, I know—that we had a contract on the one hand in one resolution and a lot of supplemental provisions on the other hand in the other resolution, he insisted that it was unwise to pass either one of the resolutions. He insisted that all the matters go, as he said, into one package, and he said, "Bring it before us and then we will consider it."

We did not have them. Adjournment of Congress was so close it was utterly impossible to get it all done. We did draft House Joint Resolution 426 of the Eightieth Congress, which was introduced by Mr. Lemke, and that resolution served as a working basis for the present resolution, House Joint Resolution 33.

We have now worked this out to a finality. The tribal council is in agreement, the Interior Department is in agreement with this House Joint Resolution 33, as the report of the Interior Department shows.

The element which Mr. Cross represents is naturally the idealistic element who are reluctant to recognize the stubborn fact that this dam not only will be built, but it is, in fact, being built now, and the dirt is rolling and the thing is going forward. It is inevitable.

Those of the tribe numbering 90 percent or more accept the realistic fact. Less than 10 percent still remain the idealists who still live in hope that some miracle will happen to stop the construction of Garrison Dam. We belong to and are the group of realists. The contract itself was ratified by two-thirds of the adult members of the tribe in writing.

Now, those signatures were here and were available, so far as Mr. Cross referred to that. They were here and were available. If the committee desires them they are now available and can be had and produced at any time.

This contract, plus the supplemental resolution is intended, and its purpose is so stated in the resolution, that it is the final and complete settlement for all time.

In regard to the matter, I do not wish to go into the details of it. I merely wish now to file with the present members of the committee copies of my brief on the subject of what this land is worth and what the residue of the land will be worth when the Garrison Dam takes out the bottom land.

(Document submitted for the information of the committee.)

Mr. MORRIS. I think you have made a very clear statement of the matter, and we appreciate that. I think it will be helpful to us. We are happy to have your presentation, and we will give this very careful consideration.

Off the record.

(Discussion off the record.)

Mr. MORRIS. The committee will stand adjourned until 9 o'clock tomorrow morning.

(Thereupon, at 9:55 a. m., Friday, April 29, 1949, an adjournment was taken until 9 a. m., Saturday, April 30, 1949.)

**PROVIDING FOR THE RATIFICATION BY CONGRESS OF A
CONTRACT FOR THE PURCHASE OF CERTAIN INDIAN
LANDS BY THE UNITED STATES FROM THE THREE
AFFILIATED TRIBES OF FORT BERTHOLD RESERVA-
TION, NORTH DAKOTA, AND FOR OTHER RELATED
PURPOSES**

SATURDAY, APRIL 30, 1949

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE
COMMITTEE ON PUBLIC LANDS,
*Washington, D. C.***

The subcommittee met, pursuant to adjournment, at 9 a. m., in the anteroom of the committee room of the House Committee on Public Lands, Hon. Toby Morris (chairman of the subcommittee) presiding.

Mr. MORRIS. The subcommittee will come to order. We will proceed with consideration of House Joint Resolution 33.

Mr. LEMKE. Mr. Chairman, in resuming the hearings on House Joint Resolution 33 may I ask the chairman to call Mr. Case, the attorney for the Three Affiliated Tribes of the Fort Berthold Reservation.

Mr. MORRIS. Mr. Case.

**STATEMENT OF RALPH H. CASE, GENERAL COUNSEL, THREE
AFFILIATED TRIBES, FORT BERTHOLD RESERVATION OF NORTH
DAKOTA, WASHINGTON, D. C.—Resumed**

Mr. CASE. Mr. Chairman and gentlemen of the committee, the Three Affiliated Tribes are here in the person of their entire tribal council with four specially selected delegates for the purpose of this hearing. They present to the committee the resolution House Joint Resolution 33, and ask that the committee consider and favorably report it to the full committee.

In making this presentation I wish to confine my statement to the value of the property that is to be taken from these Indians, the value to them, and to indicate what we think is the value to the United States.

We do present that in the form of a written brief, with a map attached, as the frontispiece of the brief. This map, if I may call it to your attention, shows the boundary of the reservation at Fort Berthold, and it shows the Missouri River in its 60 miles of course and more, down through the center of the reservation.

The hatched lines on the map show the area which is to be taken by the United States as part of the Garrison Reservoir right-of-way.

The total area that will be taken from the Indians, the land belonging to them either as the Three Affiliated Tribes or as individuals, is 155,000 acres. That is not a precise figure, but it is substantially the area taken.

The Garrison project, including the Great Dam, is shown to better advantage on the map which was loaned to me by the Department of the Interior, which hangs behind the chairman. That shows the entire reservoir from the dam 20 miles below the reservation boundary line to the outskirts of Williston, N. Dak.

As we all know, but for the record, this is one of the great dams on the Missouri River project. The control of the river has been hoped for for a great many years. This is the practical solution of the control of the river. There are five dams on the main stem of the river. This is the largest. It impounds the most water, and takes the most land, nearly as much as the other four downstream from this dam. This is the keystone of the arch. It is the structure without which the other dams might about as well be left unbuilt.

Above the headwaters of the reservoir the Yellowstone joins the Missouri. This is a matter of common knowledge in that area where I was born and raised. The Yellowstone furnishes 60 percent of the water, 80 percent of the silt, and 90 percent of the trouble in the Missouri from its junction down.

All of that water of those two great streams can and will be impounded by Garrison Reservoir. It offers the best and only silt basin where the water can be held stationary, and allowing the people to take a large portion of the fluid earth out of the water. When it goes over that spillway at Garrison Dam that water will not be anywhere near as heavily loaded with silt as it is above.

So important is this dam to the Government that without it the whole Missouri River control project would be a futility. There is no substitute, so far as the engineers are concerned. I am referring to the Corps of Engineers. There is no substitute so far as the Corps of Engineers are concerned for this dam.

In 1945 and 1946 these people were first apprised of the fact that the United States was about to take their land from them for this reservoir project. They made every effort to secure hearings and stop the construction of the dam. In that they were not successful.

We came down to 1947, and again we made the effort to offer a substitute dam site. That was met with decided opposition from the Corps of Engineers, who made statements even stronger than I am making now as to the necessity of the Garrison Reservoir. We were not successful in stopping the dam at all. The inevitable happened. The appropriations were made in the Civil Functions Act of 1947 for the fiscal year 1948, of course.

Yet the controversy being there, and before the committees in the Senate, at the direction of Senator Gurney, who was chairman of the Subcommittee on Appropriations hearing the civil-functions bill, there was a direction to Lt. Gen. R. A. Wheeler and to me that we two should get together and bring in legislative language as an amendment which would form some plan of settling the controversy between the United States and the Indians.

General Wheeler and I met for 3 days consecutively, and we finally agreed upon language. We did not agree on the amount. The minimum amount which I asked for was \$12,000,000. The engineer figure was \$5,105,625.

General Wheeler and I found it necessary to turn the entire problem back to Senator Gurney with an agreement as to language and a disagreement as to amount. Senator Gurney was empowered by us, or at least we said we would leave the problem with him, to arrive at a solution. He thought the figure should be \$5,105,625. Then on the floor of the Senate the language which follows in this bill on page 3, the language beginning with line 21 which reserved to the Indians the right to sue in the Court of Claims or petition Congress for additional legislation was put in.

Mr. D'Ewart. That is at the bottom of the page?

Mr. Case. It is the paragraph beginning on line 21, page 3, and going over to the top of page 4.

Based upon that statute a contract was negotiated which appears in this House joint resolution beginning on page 2 and concluding on page 69. That is the contract which on May 20, 1948, the tribal council in person signed. It was signed by Lt. Gen. R. A. Wheeler and approved by Secretary Krug of the Department of the Interior.

To that, as the additional relief legislation, the members of the tribe, with the cooperation of the Department of the Interior, have drafted and appended to the resolution supplemental sections 2 to 11 and in the departmental report, which is here before us today, there is a further supplemental section 12 which will be discussed when the departmental report is before you, and will be presented by officials of the Indian service.

I have stated as best I can the value of the Government. It is not measurable in dollars. It is the heart of the entire Missouri River project. The project itself, estimated at \$3,000,000,000, probably will cost in these days \$7,000,000,000, and it includes all of these great dams, 105 of them, 5 of which are on the main stem. We cannot guess at the dollar value, but we can guess at the project value.

The entire project would fail without Garrison Dam.

Now, on the other hand, what is the value of the land to be taken from the Indians? We are here asking for \$14,605,625. That includes the original appropriation which was made by the act of July 31, 1947, the Civil Functions Act of fiscal year 1948. That appropriation was \$5,105,625.

Mr. Morris. That is the same amount as set out on page 4 of the bill?

Mr. Case. Exactly. Page 4 of the bill is a quotation from the particular act we are referring to.

What is our justification for asking for \$14,605,625? It is a very substantial sum of money.

There are two items there. One of them is 3 million dollars for land readjustment fund, and the other is 6½ million dollars to provide adequate compensation.

If we are to provide adequate compensation the question naturally arises, "What is the value that you are surrendering that you want compensation for and why do you want that particular amount?"

We have prepared a statement of account. This is the first time it has appeared before any of the committees in the years that this battle

has been going on. This time we have stated an account based upon what we believe to be the value to the Indians of the land to be taken.

In the taking area of 155,000 acres, lands are divisible into five classifications. Of the taking area portion of the land, some 25,000 acres is readily irrigable land. It is the most beautiful slope from the hills in the valley. It is not level. It slopes slightly toward the river itself. All it needs is an intake station on the Missouri River, a settlement basin, and the ditches, mains, and laterals to provide irrigation for this land.

Of the 25,000 acres we believe it is worth \$125 an acre as potentially irrigable land. We think we are entitled to the same measure of compensation that the people of Oklahoma are, and in *Grand Dam Authority v. Grand Hydro Corporation* on November 2, 1948, the Supreme Court of the United States held that evidence of the potential use of the land, not restricting it at all to any one particular use, but the potential use of the land was evidence which must go to the jury in condemnation. If it goes to the jury naturally that is for the jury to consider in fixing the value in condemnation.

We are not in condemnation. We are before the Congress asking that this matter be adjusted, rather than to fight it out in the court, and we have the opportunity here. Frankly, we feel that this committee in this Congress has the opportunity to make a settlement with these people based upon fair and honorable dealings, and that language is quoted from the act of August 13, 1946, the Indian Claims Commission Act, where the Congress made the declaration that that should be the policy

Mr. MURDOCK. Mr. Chairman, may I ask the witness a question?

Mr. MORRIS. You may.

Mr. MURDOCK. Do I understand from your previous statement that if the great project were not undertaken, if Garrison Dam were not built, with slight or minimum expense you could have an intake station here [indicating] and make this an irrigation project without the dam below? Is that what you were saying?

Mr. CASE. Yes, sir. That would be a pumping project.

Mr. D'Ewart. Would you yield a minute?

Mr. MURDOCK. Yes.

Mr. D'Ewart. I doubt if that is altogether true, because the fall of the river is practically nil. The 2,500 miles it has to fall from the North Dakota line elevation is 1,900 feet down to the Gulf of Mexico at zero. That is a distance of roughly 2,500 miles, and makes it roughly 1 foot to the mile. You cannot take out irrigation ditches and irrigate with that fall.

We are irrigating some in Montana above that, and when there is no more fall than that we have to pump.

Mr. MURDOCK. The pumping would be done here, and the canals would lead along the contour lines?

Mr. CASE. It is a pumping project. It is not a gravity project.

Mr. D'Ewart. That is right. There is not enough fall.

Mr. MURDOCK. How many acres would you imagine could be put in a separate project if it were done?

Mr. CASE. The Interior Department is the authority for my figure of 25,000 acres. A personal inspection by myself, with the Chief Engineer of the Indian service, and my own familiarity with land

areas, plus the Chief Engineer estimate of the area, plus the Interior Department survey, shows the 25,000 acres of readily irrigable land. All we need for that project is Fort Peck power. If we have electric power it can be done economically and profitably. Without that you could not do it at all.

Mr. D'EWART. I agree that it is a feasible pumping project, but not a gravity project.

Mr. MURDOCK. I do not want to be misunderstood. I just wanted to get a clear picture.

Mr. CASE. Yes.

Mr. MURDOCK. I have never been in that country. Of course, I am very much interested in reclamation in all the West and in all of these various phases. I am thinking of the larger problem. We cannot any more depend upon isolated problems here, and another one there, in a great river system. You have to take the thing as a whole.

Of course, this will have to work in as the development of the Missouri Basin as a whole.

Mr. D'EWART. I would like to bring out one point.

Mr. MORRIS. Yes, Mr. D'Ewart.

Mr. D'EWART. You place your value of this irrigated land without irrigation at \$100 an acre. The Bureau of Reclamation has an anti-speculation law under which they do not permit capitalizing any benefits that will accrue. In the Columbia Basin unit they fixed the value of that land, which is just as good, at \$20, not permitting any value to be added because of the construction of irrigation projects. Owners of that land have been held to that price, as you know.

Mr. MURDOCK. That is right.

Mr. D'EWART. \$20 and less.

Mr. CASE. That, of course, we recognize. However, we do not come under the statute for the reason that we are here about a settlement and not to either abide by or contravene the statute in the Columbia River Basin. We suggest the \$100 per acre as the best information obtainable as to lands that are prospectively irrigable where water and power are at hand.

Mr. LEMKE. May I suggest, also, that we are here to give just compensation under our Constitution for lands that were taken for public use.

Mr. CASE. Yes, sir.

We have another element of value which has importance at this point. It is not capitalized, nor is it taken into account here. That is the value of this 155,000 acres of land which is in trust status. It is nontaxable. It is nonalienable. It cannot be made subject to a judgment, even though it is a personal-accident judgment.

The value of land in that status to the owner is, and I quote Senator O'Mahoney on this, "Three times the going value of that land on the market."

We did not take advantage of that element of trust status for the reason that we expect, as we will develop later on, to buy other lands to take the place of these lands, although we cannot buy lands anywhere near as good as these lands.

If we buy those other lands the bill provides, the contract provides, and the resolution provides that the title shall be taken in the name of the United States and trust patents shall be issued either to the

tribe or to the individuals, thereby retaining the trust character of lands that will be acquired to take the place of the lands we will lose.

Mr. D'Ewart. Mr. Chairman, I have some remarks on that a little later. I do not know whether it is the proper time or not, but I have discussed it with Mr. Lemke. That trust status is going to get you into trouble, and we will go into that at another time.

Mr. Morris. I suggest that we permit the witness to finish his statement, and then there are some questions that probably all of us would want to ask. Go ahead.

Mr. Case. The 25,000 acres at \$100 is \$2,500,000.

Interspersed but nearer to the river is a large area of timbered lands. It is already forest. It is one of the finest forests on the Missouri River bottom anywhere up and down the river. It is characteristic Missouri River bottom timber. The bulk of it is cottonwood, but there is ash in quantity, box elder, willow, and various other trees.

That timbered land will be referred to many times in this discussion. It is of the same character of soil as the land we refer to as readily irrigable, and that soil is alluvial loam, so classified by the Bureau of Soils, Department of the Interior. It is the richest land anywhere on earth, as Congressman Burdick said yesterday, with the possible exception of the Nile Valley.

The land on which this forest stands, if the forest were taken off, would be irrigable land. It has the potential value of \$100 an acre, but we recognize that it will cost considerable to clear the land. It would cost more to clear the land of the stumps and the roots and all of that than the timber would amount to, if you cut it and sold it, so it is going to be a loss there, or at least a figure below \$100 an acre.

We suggest that the forest area of the land alone, 40,000 acres, should be \$40 per acre, and the timber standing thereon should be \$30 per acre. That gives us our figures which are gross figures and not capitalized, as appears later on in relation to some of these items.

Then, above the forested area and above the irrigable land but still within the taking line, the area shaded in blue on that map, there is the remainder of 90,000 acres, making a total of 155,000 acres in the taking area that the Indians are losing.

That land is adjacent to the Missouri River. It lies below the high hills. It is a very excellent piece of land. It has the same characteristics. It is alluvial. It is higher than the irrigable area, but it is the finest grazing land on the reservation. It is immediately adjacent to water, and there are springs and shallow wells in quantity.

All of us who are from the West know that it is the cattleman's ideal to say, "I have my stock on grass and water." Here they have their stock on grass and water. We feel that that is worth, due to its conjunction with these other factors, \$30 an acre—90,000 acres of the bench land at \$30 per acre.

Then we have the grazing land, which is the residual area, what would be left of the reservation. That is a summer range for our cattle, and in a fairly wet year we can graze the present herd several times over on that 430,000 acres.

Due to its conjunction with the Missouri River Valley it has distinct advantages in a matter of price. We set that at \$18 per acre.

That closes our present statement as to what the land is worth to us.

We have next the question of the natural and wildlife products. These are those things which are annually taken by the people that do not require any human effort up to the point of actually taking them into human possession.

We are not capitalizing lignite in the ground. We are only capitalizing the use value of lignite that we now use. We are not introducing here anything other than the natural products which the people take, and there being some 360 families, we find upon a careful examination of the individuals—some 14 of whom are here and will be glad to respond—that the families use annually 12 cords of wood for fuel, and that the cost of those 12 cords would be an average of \$12 per cord. That would result in \$51,840 of use value to them.

Now, it does not cost them that, because the wood is theirs and the only expense is cutting it down and chopping it up.

That amount is capitalized at 4 percent. Frankly, that is an arbitrary capitalization figure, but we feel that 4 percent is a standard bank loan which can be properly financed. We feel that the 4-percent figure is not too high to use as the basis of capitalizing the amount to reflect the total value over any given period of years.

We have, again, in item No. 7 the annual use of lumber and posts. In a cattle country posts are very important. Fences must be maintained. Lumber is continually in demand for repairs, replacement, and building of new homes.

We have computed the use per year as closely as it is possible to do so, and we have computed it at \$150 per family on the same 360 families, or \$54,000 per year.

When it comes to lignite, item No. 8 in the account, after this tribal council reached Washington, and when we went over these figures—

Mr. LEMKE. Mr. Chairman, may I ask the witness to explain a little more fully his capitalization? Just how do you arrive at it? I think it should go right here in the record.

Mr. CASE. If we get any given number of dollars with no effort whatsoever, except the taking of the products, the value is not represented by the cost. It is represented by what it would cost if we had to buy it. That sum represents an asset behind the taking, which itself has a value.

If we say that 4 percent is what the property should earn, what money loaned should earn, then the annual use value is equivalent to a fair earning on invested capital, and the fair earning on invested capital, we think, is 4 percent. We do not go as high as the legal rate of interest. We feel, on the basis of what grade A bonds should bring, that that is a proper amount. We have not figured it on United States bonds, because of the very low rate of interest on them.

Mr. LEMKE. Would you say 4 percent for 1 year, or for how many years?

Mr. CASE. For each year.

Mr. LEMKE. For each year indefinitely? Where do you wind it up?

Mr. CASE. If we have a bond and the bond is in our safe-deposit box and annually we draw 4 percent interest on that bond, it passes on until the bond itself expires or is paid off. If it is a United States bond itself, we think it is perpetual, or forever.

We do know this: That land is perpetual. When that land goes, the human race goes with it. So it is a perpetual annual taking of value from these lands.

Mr. LEMKE. However, you have lumped it here as \$1,350,000. How did you arrive at those figures?

Mr. CASE. You divide the \$54,000 by 4, that being the annual value of the lumber and posts, as an illustration, and then multiply by 100. That is the sum of \$1,350,000, which at 4 percent interest would produce \$54,000 annually, perpetually.

Mr. LEMKE. The 100 represents what?

Mr. CASE. 100 percent. If you had a bond in a bank for the sum total of this amount, \$24,561,000, and you annually drew your interest, whatever rate it was, your bond stays there. You do not invade your invested capital. That is the invested capital of these people, the land. This is the annual interest that they take off the land in the form of wood and lumber, fuel, wild fruit, and game.

Mr. LEMKE. For how many years?

Mr. CASE. Perpetually, as long as they stay there. As long as they annually take it they are entitled to it.

Mr. LEMKE. I realize that, but you are now capitalizing it to get into a final lump sum.

Mr. CASE. Yes, sir.

Mr. LEMKE. I was wondering, for the committee's information, how you arrived at that.

Mr. CASE. Take any sum which will at 4 percent produce the amount of the indicated use value of that particular item for any one year and each succeeding year. That is a standard method of capitalizing value, and I am very glad to have the opportunity to state it for the record.

Mr. D'EWART. Mr. Chairman, I still do not understand. Let us take the \$54,000 for item 7. You have \$54,000 at 4 percent, and you arrive at \$1,350,000. Would you tell me how you figure that?

Mr. CASE. Yes.

Mr. MORRIS. Let me see if my understanding is right. You mean that 4 percent of \$1,350,000 is \$54,000?

Mr. CASE. \$54,000.

Mr. MORRIS. The way it is arrived at there it does not quite come out. He means that the lumber and the posts, and the wood, for the 350 families, at \$150 per family, is \$54,000 annually.

Mr. CASE. \$54,000 annually.

Mr. MORRIS. Therefore, the value of that, figured on the basis of 4 percent of the capital value, would be \$1,350,000. That would be the value of the property at 4 percent, and that would be the annual revenue from it.

Mr. CASE. Yes.

Mr. MORRIS. Or an annual use of it, so far as value is concerned. Is that what you mean?

Mr. CASE. That is right.

Mr. LEMKE. May I make a further suggestion, to see if I understand: In other words, \$1,350,000 is the bond you or I may have to pay interest on, and this is the payment for the bond?

Mr. CASE. Yes, sir. The annual interest.

Mr. MORRIS. Whether that is correct figuring or not I do not know, but that is the way he is figuring it, as I understand it.

Mr. CASE. Exactly.

Mr. LEMKE. Very well.

Mr. CASE. I stated before, and I repeat it: On item No. 8 we did not capitalize lignite in the ground, although it is of value. There are two reasons for that, Mr. Chairman.

One is that the lignite will appear in the appraisal at a few cents per estimated ton. We have nothing to do with the appraisal. It will be made by the Interior Department under this bill and approved by the Corps of Engineers, with regard to the appraisal of land.

Incidentally, that land will be paid for out of the previous sum of \$5,105,625.

Mr. MORRIS. I think I understand it generally, but will you explain for the record just what lignite means. What is lignite?

Mr. CASE. Lignite is the soft coal in the process of formation. It is nearly pure carbon.

Mr. MORRIS. It is good for fuel, but it does not have much commercial value, does it?

Mr. CASE. It makes an excellent fuel. It burns with a clear ash without clinkers. It now has a potential value which it never had before, which is because we have perfected the reduction process. We find that lignite is indefinite in amount. It is extensively found throughout the entire area of North Dakota, and it can be reduced to coal-tar products and the vast magnitude of plastics and other things.

Mr. MORRIS. Byproducts?

Mr. CASE. Byproducts of the modern coal industry. Lignite, however, is not subject to successful storage.

Mr. MURDOCK. Have they made gasoline or liquid fuel from it?

Mr. CASE. There is a pilot plant now making liquid fuel direct from lignite by the electrolytic process. It is entirely feasible. That is only one thing which needs power. When power is available we have an inexhaustible supply in our bituminous coals, and this low-grade coal.

Mr. D'Ewart. I think you are getting a little hopeful. We wish it were true, but it is not quite true.

Mr. CASE. Perhaps that is a prophecy rather than a fact, but it does appear that we have, let me say, an enormous supply available for reduction into usable fuels.

Mr. LEMKE. Right there may I ask for a little further explanation?

I think I am quite familiar with lignite. A few years ago we could buy it at Fargo at \$4 and \$6 per ton. Now I would say that two-thirds of the State is heated with lignite. The briquettes of lignite sell at about the same cost or a little less than other briquettes made from Pennsylvania or bituminous coal.

Also, there are some 6 or 7 billion tons of lignite in the State. I am estimating that there are at least 5 billion tons under this property which is being taken. The Army itself figures it will have 6 million tons by just building this dam, of the lignite, which they will have to extract while building the dam.

I noticed when I was up there that quite a lot of it was not being separated, but was simply going into the dump. They just take the better part of it. That gives you an idea of the immense amount of fuel that is fast becoming commercial, not only in our State, but in Minnesota, which now uses a lot of North Dakota lignite, which a few years ago was impossible. They did not use it at all, then, because the Pennsylvania coal was cheaper in the amount of heat pro-

duced. Now, since the Pennsylvania coal has gone up the lignite has come up in proportion.

Mr. MURDOCK. May I ask a question there? How much of that will be covered by the water when the reservoir is formed?

Mr. CASE. All of the present outcrops on the entire reservation will be under water. The high hills break down into the Missouri River Valley. On the side of those hills where erosion has taken place are these outcrops. They are visible from the highway.

These Indians go to those outcrops, knock off a little bit of the overburden, and with pick and shovel they load their trucks and haul it home. It is not good for long storage. Lignite slacks in air. It also slacks in water. It reduces itself by oxidation to dust so fine that it disappears with each wind, and this is an area where we do have real wind. The wind blows nearly all the time.

A ton of lignite put in your back yard in the open in the fall of the year would be just a black spot on the ground, if you did not touch it at all but just left it there long enough, because the slackage and the windage will take it all away, and you will have just a dark spot where the lignite was.

Mr. D'EWART. I think the committee would be interested in this: Do you know that the Army expects to mine about 6,000,000 tons of lignite in digging for the dam site, and they do not know what to do with it. If they sell it it will break all of the coal dealers in our friend's district.

Mr. LEMKE. I may say that some New York interests are interested in that 6,000,000 tons, but the question is that it would interfere, as Mr. D'Ewart says, with the private dealers. It has been a question as to how to handle it.

Mr. CASE. We did not capitalize it, as I have stated, at some length, but we did capitalize our annual use value on the same basis. That is a cold country. They have 7 months of winter. Lignite is used for cooking as well as heating. It means a 12-months' use of lignite, as well as wood, because you must have some wood to start a lignite fire.

The annual use of lignite is 25 tons per family.

Mr. Lemke just stated that \$6 per ton was what it could be bought for previously in North Dakota. We used the figure of \$6 per ton as what the Indians would have to pay out if they did not have this lignite and they had to buy it.

However, it does not cost them anything except the effort of picking it loose and shoveling it into a truck. We are not scraping our reserves. They are there for 1,000 years. If these tribes stayed there and used that lignite they have enough for 1,000 years. All of it will be covered by the reservoir.

We have two other elements based upon the same method of representing the capital amount which they represent. We have the wild fruits in the account No. 9 and the game in the account No. 10.

The only question that might arise there, it seems to me, would be as to the number of animals killed each year, and I will say to the committee that these figures have been compiled from a close examination by these people who sit here in this room. They are the ones who know. They are the ones who go in in person and take the deer and beaver, and as to the number, this is their own estimate and not mine.

Mr. D'EWART. Mr. Chairman?

Mr. MORRIS. Mr. D'Ewart.

Mr. D'EWART. I think you should tell us why you think this game would be depleted. At Fort Peck, which is a short distance above this reservoir, the building of the reservoir increased the game rather than depleted it in any way.

Mr. WHITE. You would not say that for deer, would you?

Mr. D'EWART. Yes, deer and antelope, both. We have more game than we ever had before.

Mr. CASE. Also, without the reservoir being here we now have more game than we had previously. The game in that area was seriously depleted at the time the buffalo were all killed off. With them went the deer.

As to the effect of the reservoir on the deer population, the deer hunt the shelter of the Missouri River bottom exactly as the cattle do. It is a matter of instinct with the animals. They hunt this bottom in the wintertime. They feed there in the wintertime. They are self-maintaining and self-sustaining.

We have nothing except the sportsman's pleasure of shooting a deer and bringing him home. We have the acclaim that a hunter usually receives when he is successful.

Annually we are getting now about 700. After that reservoir is in there is no place left on these high lands on either side of the reservoir where the deer can live and propagate and increase, or even sustain their number.

As to the beaver, the beaver are permanent animals. They build their own dams and they build them on the little streams. They do not build them on what we could call the big water. No great lake and no reservoir such as this with a fluctuating shore line will ever produce a beaver dam. The beaver only build on the little streams, and we have a number of them all on the lower stretch which goes into this reservoir. The water backs up those little streams and it puts it beyond the power of the beaver to build his customary dam. We will lose the beaver.

We did not put this into the account, but we will not lose the muskrat and mink. The muskrat and mink will increase. It may be to a small extent that they will take the place of the skin value of the deer and beaver. However, beaver hides are worth very much more than mink hides. We suggest that the price of beaver is \$40. I can buy finished farm mink in Washington, D. C., for \$30. That represents a price to the mink farm operator of \$15.

Mr. WHITE. Do these beaver have to be marketed through State agencies?

Mr. CASE. No, sir; they are taken by the Indians under their treaty.

Mr. WHITE. And they can be marketed? They find a market without having to go through the State agency?

Mr. CASE. The Indians comply with the State law, when it comes to the shipment of those skins away from the reservation. The same is true with the deer hides and practically everything else.

Mr. WHITE. In many places in my State they have to be marketed through a State agent, and the State takes a very substantial part of the money. I did not know whether that obtained on the Indians here.

I do not want to delay your testimony here.

Mr. CASE. I would have to ask the Superintendent just how that operates at Fort Berthold. I do not think we are paying anything. Mr. Rifle, are we?

MR. RIFLE. No. Whenever the Indian has a beaver to sell, we ask the State Fish and Game Commission to give us the tags. I think there is a charge of 25 cents per tag.

MR. WHITE. I think that is a good point to clear up, so long as you are putting the beaver down as one of your assets.

MR. CASE. Yes, sir. We have here with us, as one of our delegates, Mrs. Byron Wilde, a housewife and mother of a sizable family. When Mrs. Wilde's turn comes in the orderly presentation here, she will expound, not only as to the wild fruit, but she will also make a statement in regard to the domestic life in general. We do take a very large amount of natural wild fruits, and it cost merely the effort of picking.

We have no cultivation. We have no planting. We have no pruning. We have no spraying. We have no pests or mold or insects, and no Japanese beetles in that area, and I hope there never are any.

There are none of the things that the eastern fruit grower has to contend with. If we were to buy the fruit we now can take off this Missouri River bottom, it would cost us a substantial amount. The chances are we would not have it. We would not be able to get it.

There has been a comment by the traveling school inspector that the children of the Fort Berthold School are brighter, keener, better-appearing children, evidently better stocked with the essential vitamins that come from fruits. This is a real, wonderful garden made by nature, and we take the annual crops without any cost to us whatsoever.

The next and the most important item to these people is the value of the Missouri River bottom as shelter for livestock. We have, now, approximately 1,000 head of Indian cattle on the reservation. There are also some 10,000 head of white-owned cattle that graze there in the summertime only.

Nearly all of our cattle hunt the Missouri River bottom when the winter breaks upon them, and there they are protected almost completely from the winds and from the bitterness of the cold.

The wind plus the cold is ruinous to animals and humans. Last winter, the most severe winter in our memory, the most severe in our traditions, found nearly all of our cattle in the Missouri River bottom, and those which went in there ahead of the storms that broke on the 2d of January last were so well protected that we are sure we did not lose one single head of the stock by reason of the terrific storms, where the winds ranged from 60 to 70 to 75 miles per hour, and where the temperature stayed at 30 degrees below nightly for 30 straight nights. Yet our cattle survived.

MR. WHITE. What was the percentage of loss by the Indians last winter on cattle?

MR. CASE. We had a very low percentage of loss for the reason that nearly all of our cattle were in the bottom. Some of them drifted in after the first storms broke, and those had a very difficult time getting down into the bottom, and some of them perished on this land. Not many.

MR. WHITE. I just want an approximate figure.

MR. CASE. I can give you the figures from another reservation down the river, the Cheyenne River Reservation in South Dakota, where the loss of the cattle on the upland during the recent terrific storms was 20 percent.

The loss of the cattle which succeeded in getting into the Missouri River bottom was 2 percent. That was the definite experience for last winter.

We had so small a loss that we cannot figure it in percentage.

Mr. WHITE. It is my information that a barn shelter does not help the situation much. When the cattle are turned out of the barn to get water they freeze quicker than those cattle which lay out.

Mr. CASE. I believe that is true. The only substitute for what we now have are the cattle sheds that are open on the east or the southeast side, under what shelter we could find in small ravines on the residual reservation.

May I invite your attention to the map that shows in yellow the residual reservation, and shows the blue or light green—

Mr. WHITE. That is in the State of North Dakota, is it not?

Mr. CASE. North Dakota—that is the Garrison Reservoir from the dam at Garrison up to Williston, the headwaters of the great reservoir that will be in effect when the dam is completed.

Mr. LEMKE. May I just make a contribution, to also call your attention to the map: It divides the remainder into five parts, and nowhere will there be a bridge built or a possibility of a bridge to connect those five different parts. The land taken is not only the value taken, but the separation, and the damage done to the rest, whatever remains, is complete. Also, it is quite obvious.

Mr. CASE. It is.

Mr. WHITE. They would have to travel far to transact business from one side of the river to the other, is that it?

Mr. LEMKE. Yes. And you have to travel a long way to get acquainted with each other.

Mr. CASE. The map itself shows that it will run from 2 to 10 miles. By the section lines we can compute the width of what the lake will be.

Mr. WHITE. You have not put an estimate on that damage, have you? A farmer, when his land is cut in two by a right-of-way for a highway, generally speaking, estimates what the damage is to his farm. Is that damage carried in this calculation?

Mr. CASE. In this way: When you take out the Missouri River bottom and cut the residual reservation into five segments, you have destroyed the continuity of your cattle operation entirely. You cannot get them across that lake. You will have to maintain cattle enterprises in each one of those sections.

Mr. WHITE. Did you say five or three?

Mr. LEMKE. Five.

Mr. WHITE. I see from here three, but I do not see five. There is one on the north side and two on the south.

Mr. MORRIS. Here they are: 1, 2, 3, 4, 5 [indicating]. Is that not right?

Mr. CASE. That is correct. The only way, Mr. Chairman, that we can reach even an estimate on the value of this timber is first to point out how successful it is as winter shelter, and second to say, "What substitute could we use if we did not have the timber?"

Mr. WHITE. You are talking about timber?

Mr. CASE. Timber.

Mr. WHITE. Cottonwood timber?

Mr. CASE. Most of it is cottonwood. There is elm and ash and some other hardwoods.

Mr. WHITE. There are no evergreens?

Mr. CASE. No evergreens on that bottom. The conifers are in the hills, in the breaks.

Mr. WHITE. You do not have much in the way of conifers in that country, do you?

Mr. CASE. Not a great deal. It is not merchantable in quantity. If we build cattle sheds it is our conclusion, and, frankly, we think our own conclusion is conservative, that for 60 head of cattle it will cost \$3,000 to build the shelter. That is a poor substitute.

Mr. WHITE. You do not anticipate or contemplate that a shed would be of very much value, unless it were closed in, do you? The wind would blow in right through the shed.

Mr. CASE. It does, but it breaks the wind, sir. The cattle will collect en masse under a shed which is built with an upright back.

Mr. WHITE. That is not a practice in South Dakota or Eastern Montana, is it, to build shelter sheds?

Mr. CASE. We have a great many of them.

Mr. WHITE. You do? I visited some pretty big ranches out there, and I have never seen them.

Mr. CASE. Most of the larger ranches have some area they can use for winter shelter. Those who had none were the great sufferers in the last winter.

Off the record.

(Discussion off the record.)

Mr. CASE. If we are required to spend \$3,000 as a construction cost, and if we take the normal life of a wooden structure in that area, taking into account that it is wood and subject to fire, that it is of light structure and necessarily subject to blow-downs and to a certain degree subject to rot, if we take a 10-year period and distribute the initial cost over the 10-year period, we would have an annual outlay of \$54,000 annually. We would necessarily maintain that. That is for replacement, repairs, and so forth.

Mr. WHITE. You do not anticipate that you would have to build a new shed every 10 years, do you?

Mr. CASE. Undoubtedly. Rot will be sufficient there in a 10-year period so that we would need replacement.

Mr. D'Ewart. Mr. Chairman, I would like to have the witness talk to my income-tax collector, because I have some of these on my farm.

Mr. MORRIS. You want that depreciation?

Mr. D'Ewart. I would like to have it.

Mr. WHITE. If you would depreciate it in 10 years you would be worse off after that. Then you would not have anything to deduct.

Mr. CASE. Congressman, I am a member of the Treasury bar and have practiced income-tax law for a period of time. You can take 2 percent depreciation on fixed structures, 5 percent on wood structures, and 10 percent on light wood structures. That is annual depreciation. Ten percent is the customary depreciation on office furniture and fixtures. That is allowable by the Treasury Department.

I did not know I was going to get off into that subject. However, I happen to be familiar with it. I carry the card right here, if you wish to see it, which permits me to practice law before the Income Tax Division.

Mr. MORRIS. We will take your word for it.

Mr. CASE. If we had that annual cost, prorating the initial construction cost, adding the annual replacement, repairs and reconditioning, we are facing an expenditure of \$125,000 a year over a 10-year period, and it would have to be continuous, if we stay in the cattle business. For that reason we do capitalize that again at 4 percent. We say that the asset value to us of the shelter in the Missouri River bottom for cattle alone is worth \$3,125,000.

Mr. WHITE. In 1933 I shipped in 100 head of cattle, and received \$10 a round. You would be in a losing position in that case, if you did that, would you not?

Mr. CASE. Very much so, sir. I would like to say further that these items, both as to the land and as to the natural products stated in this account, are based upon a reasonably good year, reasonably good prices for agricultural and similar products. If we were required to go back to the drought period of 1934 we could not say what we say here. If we go into a period of still higher prices, it would necessarily increase.

This is the going-concern value to us, but we sincerely say to you that the going-concern total value of the reservation is \$24,561,000 to us.

If the members will turn to page 6, I wish to point out an item, which, in our opinion, confirms the value of \$24,561,000.

As against that, we have the 5 residual segments of what once was our reservation. They are the highlands. They are the summer grazing lands. They do not have abundant water in that area.

The Missouri River and the lower streams are where the water comes from, all of which is lost.

If Congressman Burdick were here, I would ask him to state again what he has stated before, that this grazing area, when the wood and water and excellent grazing of the bottom land is taken away from that other high area, is such that the high area is worth one-third of what it is now estimated to be worth. We do not believe you could find a market for it at \$6 per acre, when you destroyed your winter shelter, when you destroyed the peace of your grazing land, and when you have made it almost impossible to maintain an integrated cattle industry.

We have no trouble now in maintaining an integrated cattle industry. We are, of course, cut in two by the Missouri River, but it is our river and it is well bridged. We can move our stock from one side of the river to the other.

This land must be appended to some land that has winter shelter, to be useful. It might be used as summer grazing land only. It is not satisfactory to maintain the great herd we intend to establish here. We now have 8,000. We expect to run that up, as we are now doing. We are increasing the cattle herd year by year. We expect to run that up to at least 18,000 head.

Mr. WHITE. Will that land support that many, without overgrazing?

Mr. CASE. It will, provided we furnish winter food and winter shelter. There are now on the reservation 8,000 Indian-owned cattle and approximately 10,000 privately owned cattle, and the reservation is not being overgrazed.

Mr. WHITE. What do you charge for the season, to graze those cattle?

Mr. CASE. I will ask Mr. Rifle to state what the white lessees pay for that.

Mr. WHITE. How do you base your grazing fees for the cattle brought in?

Mr. RIFLE. Twenty-one cents an acre, and the operator is not permitted to have more than one adult animal on less than 25 acres.

Mr. WHITE. Does it take 25 acres to support one head of cattle?

Mr. RIFLE. That is done to preserve the range and to see that it is not overgrazed.

Mr. WHITE. Twenty-five acres for one. Did you say 18 cents an acre?

Mr. RIFLE. Twenty-one cents an acre.

Mr. WHITE. That is for the season?

Mr. RIFLE. That is for the year; yes.

Mr. WHITE. I do not want to be repetitious here, and I do not want to delay this hearing. However, this item of \$2,580,000 for grazing land is very important. Are you going to lose that land, or is it that there will be that much damage to it?

Mr. CASE. The item at the top of the page of the high grazing land is the land that will be left in the possession of these Indians in these five segments which we referred to on the map. They have been valued at \$6 an acre, and that amounts to \$2,580,000, which is deducted from the total value of the reservation of \$24,561,000.

Mr. WHITE. I do not want to get into technicalities, but 21 cents an acre on a \$6 valuation is not very much of a return, is it?

Mr. CASE. This land itself is worth more than that to us. We estimate its value to us as part of this unit, with the winter shelter, the water, and everything else provided free, to be much greater. We estimate that upland to be worth \$18 an acre, but after the facilities are taken away we are in the same position as you would be if you had an automobile and somebody took your engine away, and you could not buy another engine. The rest of the automobile would be very seriously depreciated. The fact of the matter is that it would be junk.

Mr. WHITE. Let me ask you one or two more questions.

Mr. CASE. Yes.

Mr. WHITE. Has the Government come in and appraised this or made any offer of settlement, or made a settlement? What is the process of this thing? This is a bill. What has the Government done outside of legislation? Have they come in and made an appraisal? They have the authority under the law to do that now, I believe. I have an idea that they can settle this and appraise this land and make the Indians an offer for the damage sustained. Has anything in that proceeding been done?

Mr. CASE. It has been done. There is a contract which has been made between the United States, acting by Lt. Gen. R. A. Wheeler, dated May 20, 1948, under which the original appropriation was \$5,105,000, which is to be used in this contract, and there is a provision for the making of an appraisal of land to determine who gets how much.

Mr. WHITE. What is the total sum involved under this contract?

Mr. CASE. Under this contract it is \$5,000,000.

Mr. WHITE. You are asking for \$21,000,000?

Mr. CASE. No, sir; we are asking for \$14,605,000.

Mr. WHITE. Would that include the \$5,000,000?

Mr. CASE. That includes the original \$5,000,000.

Mr. WHITE. In other words, you want an increase of \$9,000,000?

Mr. CASE. \$9,500,000 is the exact amount that this calls for, as the adequate compensation element which is not provided by the \$5,000,000.

Mr. WHITE. This bill here is the Lemke bill?

Mr. CASE. Yes, sir.

Mr. WHITE. What bill are you supporting at this time?

Mr. CASE. That bill.

Mr. WHITE. The Lemke bill?

Mr. CASE. House Joint Resolution 33.

Mr. WHITE. In the event that this Lemke bill is passed in its present form then you will get \$9,000,000 more than the Government offered you?

Mr. CASE. We will when the Congress appropriates it. This only authorizes the appropriation.

Mr. WHITE. This proceeding and this statement is to justify the provisions of the Lemke bill; is that the idea?

Mr. CASE. Yes, sir.

Mr. WHITE. This is a brief?

Mr. CASE. Yes, sir.

Mr. WHITE. This brief is in support of House Joint Resolution 33?

Mr. CASE. Yes, sir.

Mr. WHITE. I just wanted to know what it was that we are talking about.

Mr. MORRIS. All right.

Mr. WHITE. Mr. Chairman, I am sorry. I should have addressed the Chair. Pardon me.

Mr. MORRIS. That is all right, Mr. White. I do want every person to be fully familiar with this. However, we do want to move along as rapidly as we can. I do want each member to be fully familiar with the situation.

I think your questions were very pertinent and very well put.

You may proceed, Mr. CASE.

Mr. CASE. Mr. Chairman, after we have determined the total value of the reservation we deduct from that what we think is the value of what will be left to us. We show the net loss to the Three Affiliated Tribes as \$21,981,000, which they are now facing.

We show that this resolution, House Joint Resolution 33, carries appropriations or authorizes appropriations to be made in the future of a total of \$14,605,625, which we are willing to accept in settlement.

Mr. LEMKE. Just so that I may get it very clearly, is this statement correct: The \$14,605,625 includes the \$5,105,625?

Mr. CASE. Yes, sir.

Mr. LEMKE. Which has already been appropriated?

Mr. CASE. Yes, sir.

Mr. WHITE. Has the money been allocated for this work?

Mr. LEMKE. It is already appropriated.

Mr. CASE. Appropriated July 31, 1947.

Mr. WHITE. It was carried in a bill. It was not allocated out of general funds?

Mr. D'Ewart. It was appropriated and given to the Army engineers to settle this account, and we were not able to reach a settlement.

Mr. MORRIS. While you are on that point, let me ask you this question: You have built up a case for \$21,981,000, and you itemize your various elements of loss?

Mr. CASE. Yes, sir.

Mr. MORRIS. You say you are willing to settle for a total amount of \$14,605,625. May I ask you why you are willing to take that big a reduction?

Mr. CASE. We are only willing to do so because we recognize that the \$14,605,625 is a very substantial sum of money, that these are our estimates of value, and this is the loss we are going to suffer, but, nevertheless, we do not wish to be immodest or extravagant in our demands. We want an agreement and we want a settlement. The Interior Department is willing to recommend and does recommend the \$14,605,625. Here is the report.

Mr. MORRIS. In other words, you think that is really a fair compromise and settlement?

Mr. CASE. We think it is a compromise on both sides.

Mr. MORRIS. You think that probably this committee and the Congress would be more willing to expedite the matter and to actually take care of it under these circumstances than if you insisted on the amount you actually think you are losing by reason of this project? In other words, you think it would be a fair settlement and a fair and reasonable settlement, although it is less than what you think your loss actually will be; is that correct?

Mr. CASE. That is correct. We do, however, take all of this into account. It is entirely in the future. The possible benefits that may arise to the Indians by reason of the production of power at Garrison Dam is entirely in the future.

Mr. MORRIS. Yes. I can see that, although under the Constitution and the law the resulting benefit in a condemnation suit is not taken into consideration.

Mr. CASE. It is not taken into consideration.

Mr. MORRIS. No.

Mr. CASE. But, frankly, we do not want to be subject to condemnation. The intangibles we cannot get in at all. Only under the Oklahoma doctrine, as announced by me in the case I cited, decided November 2 last—only there, and because of the Oklahoma law which specifies that use value shall be taken into consideration, can you get such a verdict in condemnation.

Mr. MORRIS. As I understand it, and I make that statement as a statement of law, under our Oklahoma constitution the resulting benefits cannot be taken into consideration in a condemnation suit. I do not know whether that is the uniform rule or not, but that is our law in Oklahoma.

Mr. WHITE. That is, as an offset it cannot be taken into consideration?

Mr. MORRIS. You have to value the damage, and if there is some resulting benefit you get that. The jury must award you the actual damage, if any, that your property has sustained by reason of the action of eminent domain against your property, and the resulting benefit is not to be taken into consideration. That, as I recall it, is distinctly the rule in Oklahoma.

However, Mr. Case, I think you are fair in that, and I think in this kind of a settlement, not being in the nature of a condemnation proceeding, but in the nature of an authorization and an appropriation, if it gets to that stage, that there will be some added benefit to the reservation.

Mr. CASE. We are hoping so.

Mr. MORRIS. There is not any question in my mind but what there will be some benefit accruing, and I think it is a fair and reasonable attitude, and I appreciate, as chairman of this committee, your attitude, which at this time seems to be a very reasonable one. Of course, I want to think over the whole thing before I make up my mind definitely, but I do appreciate your attitude which does at this time appear to be very reasonable, Mr. Case.

Mr. CASE. Mr. Chairman and gentlemen of the committee, there are two things that we are anxious to avoid. One is a condemnation action with the hard-and-fast rules of the court invoked where we cannot ask for and would not get many of these elements which we say are prospective. The other one is above all things we wish to avoid being compelled to sue the United States in the United States Court of Claims for damages, where we must sustain those damages before we can sue for them. If we ever sustain those damages we will be a ruined community and have a lengthy lawsuit on our hands if we sue in the Court of Claims. I, myself, have had an experience of that nature with the Sioux people. I am attorney for the Sioux Tribe where they have an action now pending in the United States Court of Claims. I filed that action on the 7th day of May 1923, and it is now 1949, and next week it will be 26 years that the suit of the Sioux Tribe has been pending at the door of the Court of Claims and of the Supreme Court. I have been down to the Supreme Court five times with the Sioux case.

It is a lifetime of discouragement and disappointment for the 30,000 Sioux, and I cannot face the future for these tribes and tell them that they have any chance whatsoever if they are compelled to sue in the Court of Claims.

Therefore, that inspires in us a spirit of compromise, and when we can come to you and say to you we will take less than it is worth, we will turn it over to you for two-thirds of what it is worth to us, and that is exactly what we do if our figures are anywhere nearly correct. That is, I think, the real spirit of compromise and settlement. This is the only time in the history of the tribes, throughout the history of 150 years of dealings with the Indian tribes, this is the first time that a tribal council ever took that view on any matter and has come on to Washington at their own expense to negotiate a settlement with the United States.

We think, Mr. Chairman, that those factors should be taken into consideration by this committee.

Mr. MORRIS. We assure you, Mr. Case, that they will be taken into consideration. We cannot assure you now as to what we are going to do, but we assure you that we will take them into consideration.

Mr. WHITE. It is very customary in a claim of this kind in the case of an offer in compromise to take a certain figure that is less than the amount originally requested.

Mr. CASE. I have been practicing at the bar 40 years, and I have settled more lawsuits than I have ever tried, and with a good deal better results.

That, Mr. Chairman, concludes my general statement. I shall be very glad to answer any questions there are in the minds of the committee members.

Mr. MORRIS. I have followed your testimony very carefully myself, as carefully as I am capable of following it, and I have learned a lot about this matter, and you have given us many concrete facts to think about, not just generalities. You have generalized somewhat, but you have given us some concrete matters to mull over and think about, and those are the things we are particularly interested in.

Every honest person is interested in justice, and we are for justice, and so forth, but, after all, we must be practical people on many occasions and get down to something practical and determine what can be done, and I do appreciate very much the information that you have given us, Mr. Case.

Mr. CASE. Thank you very much, Mr. Chairman.

Mr. MORRIS. Do any members of the committee desire to ask any questions of Mr. Case?

Mr. WHITE. I think that this committee is very fortunate in having an eminent judge from the great State of Oklahoma as our chairman. I think that is a fortunate circumstance, both for the Indians and the committee.

Mr. LEMKE. I think we can all second that sentiment, Mr. White.

Mr. MORRIS. That is mighty kind of you.

Mr. CASE. I assure you that the Indian Tribal Council and the delegates feel the same way, Mr. Chairman.

Mr. MORRIS. That is very kind; thank you a lot.

Are there any questions?

Mr. WHITE. I think we asked our questions as we went along.

Mr. MORRIS. I believe Mr. D'Ewart indicated he had a question or two.

Mr. D'EWART. Yes. The witness in his testimony on the need of the project went a little beyond what I think the facts will, perhaps, sustain. We have two projects on the Yellowstone, and he stated that most of the mud and sediment comes out of the Yellowstone, one at Boysen, and one at Yellowtail, that we hope will take out most of the silt. One is under construction, and the other one is at a stage where it is ready to go into construction. That will take a good deal of the silt.

Now, Garrison Dam, as the witness has said, is one of the major projects on the Missouri Basin, but the other projects on the Missouri Basin are not predicated upon the construction of that, and the others can go ahead. All of the projects above the Garrison Dam would not be affected by it in any way, and the great Missouri-Souris project which brings water into the northern part of that area, would largely not be affected. Taking out Garrison Dam would take out your flood-control aspects of that project. It would hurt navigation to some extent downstream, and it would seriously interfere with irrigation in this area which is south of the dam. There is a project that is being considered to pump water out of Garrison Dam, using the electricity that will be generated there and take it north, perhaps, into Devils Lake. Those are the projects it would seriously interfere with. It would not interfere with dams down in Nebraska and Kansas, and it would not interfere with projects above it.

Mr. LEMKE. May I supplement that, if you will yield, Mr. D'Ewart?

Mr. D'EWART. Yes.

Mr. LEMKE. All of our testimony before the Appropriations Committee shows very clearly that the project is almost entirely navigation and flood control, but mostly navigation for a 9-foot channel down below. That was the original purpose of it.

The intent to fill Devils Lake and to irrigate 1,335,000 acres is contemplated by the Bureau of Reclamation to be done by the diversion dam in Montana over the Souris, the Missouri-Souris project, so that as far as pumping irrigation from Garrison is concerned, it is still a very moot question; it is an undetermined question.

Mr. WHITE. I will say to the gentleman from North Dakota that there is one damage feature that seems to have been entirely overlooked in the discussion here. We find in Montana that the Fort Peck Dam, by reason of the water being above the natural shore line, has created a bog and mire condition all along the reservoir, and the owners of the stock have had to go to big expense to fence away their stock, so that they do not get bogged down in this mire and die, and I will cite the case of Town brothers out of Molt, where they have had to fence in to keep their stock away from the river, because if they go down there to get a drink of water they get mired down by this bog created by raising the shore line of the reservoir. That might be a pretty serious cause of damage.

Mr. CASE. May I add a word to that, Mr. Chairman?

Mr. MORRIS. Yes, sir; you may.

Mr. CASE. One of the great hazards of our future life on this reservation is that the cattle in those highlands to the west of the reservoir would be compelled to drift ahead of the storm and would drift into the reservoir itself, and if that comes when the reservoir is opened, our herds would go right into the water and would be lost.

Mr. WHITE. In that type of weather condition, would you not think the pond would be frozen over the ice would be on it?

Mr. CASE. Yes; normally there would be ice.

Mr. WHITE. Out where I live they have just sustained very heavy damage by cattle getting out on the ice and going through the ice and being drowned.

Mr. CASE. Yes; they get on the ice and are drowned, if too many cattle get on the ice, the ice gives way, and if it does your cattle are gone.

Mr. WHITE. A lot of people took heavy losses in my State just on that last winter.

Mr. CASE. We recognize the necessity of erecting a heavy fence because cattle drifting before a storm in great numbers will go through almost anything in the way of a fence, or if not, they will pile up against the fence and perish there. We have a great hazard with our cattle industry. It probably offsets all of the benefits that will be derived from the dam itself. It is one of the hazards, and what is going to happen to our herds when the storms come on and the reservoir is open is a question.

Mr. D'EWART. I visited this reservoir site in company with Congressman Lemke, and we drove up and down the river and visited the reservation, and I agree with you that it is going to raise Cain with their livestock industry in that area. There is no question about that. The brakes, as we call them up in Montana, are places where stock

winter, and that is where you get your shelter, and it does raise a great deal of damage to them.

I do question a good deal your fear as to loss of the game in that area. That has not proved true in the Fort Peck area. We have improved our game situation. The number of antelope has increased and so has the number of deer.

We have a splendid bird refuge up there, and the fishing is wonderful in that area. It has grown so that we have quit planting fish. They multiply themselves.

Mr. WHITE. How do you account for the propagation of deer? What accounts for it?

Mr. D'EWART. I have visited the reservoirs down in the Tennessee Valley and they started planting fish down there, and they stopped planting them because they are so plentiful.

Mr. WHITE. Yes, I can understand about the fish, but how about flooding the land; how will that help the deer?

Mr. D'EWART. Well, it is largely because we first planted antelope in that area, and the deer were there naturally, and there is an area along the reservoir site which was established as a refuge and they are protected there.

Mr. WHITE. The Indians would not have any chance to hunt deer if you established any refuge of that kind.

Mr. D'EWART. You cannot have a refuge inside the reservation, but there is no reason why you could not have it above and below the reservation. Anyway, we established those refuge areas in the State of Montana, and the hunting is very good, and the reason the number of fish has increased is because of the very large amounts of good fish food in these reservoirs.

Mr. WHITE. Yes; I can understand that.

Mr. D'EWART. So, I believe, Mr. Case, that your worry about the loss of game is not grounded in fact. I think you will find that there will be more game than has ever been there before, perhaps with the exception of beaver.

Mr. LEMKE. Mr. Chairman, could I make an observation there?

Mr. MORRIS. Yes.

Mr. LEMKE. I was up at Fort Peck with you, Mr. D'Ewart, and I noticed that there was timber and brush around the lake, but here there will not be a single tree there or any brush around it. It will be just naked prairie.

I will say that throughout our State a few years ago there were deer only in a few of the counties, or along the Missouri River or along the Souris River, wherever there was brush that the farmers put in there, which took about 20 years to grow.

Deer are now found in every county in the State of North Dakota, but not in abundance. Still the season on them was open this year, I think, only in the western counties. They seem to be depleted west of the river for some reason. Just how they manage to live, I do not know, in many of the densely settled counties, but it is because of the trees, and it is a question of how soon there will be replaced some kind of shelter along the reservoir when it is built.

Mr. CASE. Mr. Chairman, may I ask a question?

Mr. MORRIS. Yes, sir.

Mr. CASE. I would like to ask whose deer they are going to be. In case they are on the reservation they belong to the Indians.

Mr. D'Ewart. That is right; on the reservation they belong to the Indians. When they go off this reservation they belong to the State.

Mr. CASE. Yes; but if there is an increase in the taking area, and there is a strip of land between their taking line and the water line, it will be excellent for grazing, and if the deer increase in that area, and they are under fence, they are not our deer, and we have lost them.

Mr. D'Ewart. However, there is an area there where it is good game country.

I would like to say that your \$40 per pelt for beaver is out of line.

Mr. CASE. It is too high?

Mr. WHITE. I gave permission to a man to trap beaver on my place in Idaho, and he got \$36 a pelt for them after the State taking its tax.

Mr. D'Ewart. Yes, that was during the war, but over a period of 10 years you could not get that for them. We have trapped beaver every year on our place, and we have sold them for as low as \$10 a pelt, but during the war you could get, occasionally, a good beaver with good color and get up to \$40 for it.

Mr. CASE. Yes.

Mr. D'Ewart. I wanted to mention the trust-status land. I have not had the opportunity I would like to have to study the last three sections of these bills.

This is new material that was not before us last year.

Mr. CASE. House Joint Resolution 212, which was introduced by Mr. Lemke in the Eightieth Congress, contained substantially the same provisions as are set out in section 2 under 11 of the pending House Joint Resolution 33. I am sure the Congressman will remember that Senator Watkins, on the occasion of our joint hearing, insisted that this entire contract plus the entire provisions of House Joint Resolution 212 should be combined, as he put it, all in one package.

The only changes there, sir, are structural changes as to procedure, and one change in the land readjustment fund that is advocated by the Interior Department.

Mr. D'Ewart. The point was made very nearly a year ago by the Senate committee that this must be a final settlement, and the bill that was brought in last year was not a final settlement.

Mr. CASE. Yes.

Mr. D'Ewart. Does this take care of that?

Mr. CASE. Yes, sir; this recites that this is a complete and final settlement.

Mr. D'Ewart. The Senate would not accept it at that time, and they sent it back because it was not a final settlement. So, I am sure under those circumstances, if this is not a final settlement that we would be wasting our time in sending it over there.

There is one more point that I would like to speak on briefly, and that is that these funds are going to be used to acquire trust-status land and trust-status property.

Mr. CASE. Yes, sir.

Mr. D'Ewart. We have no objection to that so long as it is inside the reservation bounds, but we have found serious trouble in the

case of other reservations. I am sure you will agree with us if your trust status follows your money outside of the reservation, if you use this trust-status money to go into Williston to buy a lot, that becomes trust-status property and it is not subject to taxation, and cannot be said to meet the tax situation, and it upsets the whole county and city administration.

The same thing, I am told, would be true if you took this trust-status money and went to Los Angeles and bought a lot. It would be trust-status property and not Los Angeles property, and it would not be subject to taxation of either the county or city locally, and it upsets those property holders.

I think you will save yourselves trouble if you will limit this trust-status property to property that is inside the reservation boundary.

In Montana we are trying to get a bond issue to bring some sewer and water improvements into a certain city, but because of Indian trust status money there we cannot sell the bonds for the improvements, and that is a very serious situation, indeed.

All of this money undoubtedly will not be spent inside the reservation. Some of it may be spent outside in Williston, Bismarck, or Los Angeles, and I think you should not have trust status follow those trust status funds.

Mr. CASE. It is the purpose, Congressman, of the land readjustment fund to acquire by purchase the alienated area within the reservation, which is 44,130 acres.

Mr. D'Ewart. I do not have any objection to the trust status there.

Mr. CASE. Of course, 44,000 acres is a poor equivalent for 155,000, but the purpose of the land readjustment fund, in addition to that, in addition to consolidating the landholdings, is to permit, where necessary, the purchase of adjacent land up the valley of the Little Missouri in order that we might get some winter shelter there.

Mr. D'Ewart. We have taken the position that every place where we acquire land off an Indian reservation, outside the boundary of the reservation, the permission of county commissioners by proper resolution should be obtained beforehand, because you are taking properties off those tax rolls outside of the boundary, outside of the reservation. You remember we have objected to that in other cases.

Mr. CASE. There is, I recognize, a statute prohibiting the expansion of the boundaries of an Indian reservation by expenditure. We have that statute on the books, but this would permit the purchase of immediately adjacent land where it was necessary for the use of the Indians, particularly for wood, water, and winter shelter for their stock.

Mr. D'Ewart. But that land, if it is outside the boundary of the reservation should be subject to taxation and should not be subject to trust status.

Mr. WHITE. I would be in favor of extending the boundaries of the reservation where they wanted to take land and add it to reservation.

Mr. D'Ewart. You should have asked for an appropriation resolution from the taxing authority granting that permission before we took action.

Mr. CASE. It would be entirely feasible for the Interior Department to make the settlement with the local counties, and thereby ob-

tain their concept as to the establishment of the trust status on lands adjacent to, and, we would hope, contiguous to the reservation, as it will be in the future.

Mr. MORRIS. Was there anything else? This witness, as we all know, has been very comprehensive in his statement and has taken about 1 hour and 45 minutes.

That is well; I am not complaining about that at all. He made a very comprehensive statement.

It is to the advantage of you good people who appear here in behalf of this bill that we be as expeditious as possible. Legislative processes are very slow in their very nature. These hearings are very important and are interesting, but we can become bogged down in hearings to such an extent that we will not get the legislation through. We only have a certain amount of time that we can use for hearings. A portion of our time has to be used on the floor dealing with legislation and, besides that, there are different subcommittees in this one big committee. Each subcommittee, of course, has important matters to dispose of. A number of us are on several different subcommittees, so our interests are divided. Consequently, time is a very precious element with us, indeed.

I am not saying this in order to try to rush anybody. I do not want that. I want a thorough consideration of this matter, but it is to your advantage and to the advantage of the whole country that we do not waste time. Consequently, I may say to those of you who are going to speak on certain points and who have certain particular information to give to us that we would like you, to the best of your ability, to confine yourselves to your particular corner in the matter as best you can to bring the picture to us. Let us not have cumulative evidence offered in matters over which there is no controversy. Where there are serious controversial points, then it is necessary that we have cumulative evidence; that is, several witnesses testifying on the same point. However, if it is a point concerning which there is no controversy, it is an absolute waste of time for more than one witness to testify about it. If nobody takes any issue on the points, one witness is as good as a thousand.

I just make that observation so that it might be helpful; but, on the other hand, there is no disposition on the part of the chairman to rush along to such an extent that we cannot give careful consideration to the matter.

Now, Mr. White?

Mr. WHITE. I was going to ask, Mr. Chairman, if somebody was going to bring some other witnesses.

Mr. MORRIS. Congressman White, as is usually the custom, I always permit the Congressman who is the author of any bill to largely determine the sequence in which the witnesses come. I think it is only fair to him, and I think it is best procedure. Therefore, I will permit Congressman Lemke, since he is the author of this bill, to determine the matter.

Mr. LEMKE. The chairman of the council, Carl Whitman, Jr., will make his own statement; and asks that delegates and council members be permitted to do the same.

**STATEMENT OF CARL WHITMAN, JR., CHAIRMAN OF COUNCIL OF
THE THREE AFFILIATED TRIBES, FORT BERTHOLD RESERVA-
TION, N. DAK.**

Mr. MORRIS. We are happy to have you with us, Mr. Whitman. We are anxious to hear your testimony, and we are mighty happy to have you and the other good people you represent here with us. We are glad to have you here and we welcome you before this committee.

Mr. WHITMAN. Mr. Chairman, and members of the committee, I am Carl Whitman, Jr., Mandan Tribe of the Three Affiliated Tribes of the Fort Berthold Reservation.

I, as chairman of the council of the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., and on behalf of the entire council extend our apologies for not being present at 9 o'clock yesterday morning when the committee was ready to hear what we have to say in regard to the taking of the best part of our reservation for the Garrison Reservoir and Dam.

I wish to assure you that it was through a misunderstanding that we did not appear before 10 o'clock. We all thought that the hearing before your committee on House Joint Resolution 33 was scheduled for that time. We wish to express our deep appreciation to you, Mr. Chairman, and to the members of this Committee, for according to us this opportunity to be present today.

We are indeed glad of this opportunity.

In 1936, the members of these tribes adopted a constitution which was approved by the Secretary of the Interior under an act of Congress. Our constitution provides for a democratically elected tribal business council of 10 members, one of whom is elected chairman.

All the members of our council have come to Washington, D. C., because the bills which you are considering are of utmost importance to the future welfare of each of 2,215 of our members. Several of my associates will supplement my statement in order that the committee will secure a well-rounded picture of how the vast majority of our members feel in regard to the proposed bill.

Under our constitution, we, and we alone, are the spokesmen authorized to speak for our tribes in dealings with the Federal Government. Of course, we are happy for the committees also to hear the views of any other members of the tribe. We only want you to remember that we, like you, are the duly elected representatives of all our people.

Now as to House Joint Resolution 33, a similar bill was introduced on June 14, 1948, by Congressman Lemke under the number 426. The ratification of this bill was delayed due to the fact that a justification for money over and above the \$5,000,000 was asked by the committee. The delay did not affect the construction of the dam which is progressing rapidly.

This delay has been a source of very great worry and tension to us all. We are deeply concerned and very insecure. We see our best land being taken from us and we know not yet what our future will be. We are truly displaced people. Small though our numbers are, our land means very much to us. So do our wives and children. We want them to be able to begin a new life in a new home as soon as possible. We now know that we must move from our best land. Each day's delay

increases our sorrow and insecurity on behalf of all our members. I urge you to act as soon as possible upon this bill in order that our unsettled state will be replaced by an opportunity for us to begin anew, to forge our economic destiny with the aid of the Government. Prompt action is also necessary in order that United States Government will keep faith with the Indians of the Fort Berthold Reservation.

For almost 100 years our forefathers and representatives of the Federal Government entered into a solemn treaty whereby our reservation lands were reserved for our use forever. We kept our promise and have worked to build up a strong and growing cattle industry and steadily expanding agricultural program. Just as we were in sight of economic independence you began to build a reservoir and to take away the heart of our reservation and divide it into five isolated segments. The homes which we built, the bottom lands on which 85 percent of our people lived and on which cattle industry depended, our churches, our schools, our government, and our social life will be disrupted.

We did not want Garrison Dam built. We pleaded with you to find another place to build a dam. It was not that we wish to hamper progress. In fact, we voluntarily offered some of our other lands which were not so vital to our life as a place to be used to construct a dam. Our prayers and pleas were fruitless. The Government told us "Either you agree to some terms, or we'll take the land without your consent."

We were, therefore, forced to sign a contract with the Army. This contract was ratified by our people and our council over a year ago. Yet it is still unratified by the Congress with the result that some of its terms like a provision enabling us to use certain timber up to 1950 cannot be utilized by us. Every day that passes worsens our plight.

I have shown the necessity for prompt action now. Let me summarize the terms of this proposal—our brief explains in detail. The United States will make a settlement with my people for less than \$15,000,000. It will obtain the right-of-way of Garrison Dam and Reservoir which constitutes the keystone of the 5 great dams on the main stem on the Missouri River and 100 large and small dams on the numerous tributaries of the river. The cornerstone of the Missouri River development program will thus be carried out by the Government obtaining Garrison Reservoir right-of-way at about two-thirds of its basic value and its annual use to the Three Affiliated Tribes.

Let me also discuss briefly two portions of this proposed agreement which will illustrate its wisdom in effectuating the Government's special responsibility for these tribes. Three million dollars would be authorized for an appropriation to be used for land readjustment. Under the Indian Inheritance Act of 1910 estates of individual allottees have passed to heirs of even a third and fourth generation developing a complex picture of divided interest in various fractional interest scattered over the reservation. The resulting land situation is so confused that many members of the tribe are either landless or without sufficient or usable land to make a decent living. The land readjustment fund will be used to turn fractional interest into cash which will in turn be used to buy other lands for the individual. The consolidated lands will enable him to make a decent living for himself and for his family.

Another important provision which, I will briefly touch on, would harness a block of the power generated by the dam for use of the

members of the tribe and for sale to others. This will bring electricity at a reasonable cost which will enable us to improve our standard of living and gain some of the advantages of modern technology.

We know that the heart of America bleeds for us. Hundreds of our fellow citizens throughout our great country have shown their sympathetic understanding of our loss. We know now that the United States Government will carry out the wishes of its people and use this great opportunity to help us help ourselves. Our task is very difficult. We must rebuild and reorganize a new life. Even if the bills and appropriations before you are passed quickly, we face 10, 15, or 20 years of hardship, unrest, reorganization and reconstruction. With your help, we must forget the heritage of our homeland guaranteed to us by a solemn and sacred treaty. We, the first Americans, the original owners of this land, feel confident that you will delay no longer. While you cannot restore the 155,000 acres of our best land nor the many losses that cannot be transmuted in money, we expect that you will do your part and be just to our people.

There is one point that I would like to make clear at this point, that this agreement made by the Indians was taken as the only recourse left to them. It was more or less forced on them. We did not willingly agree to it. That I wanted to emphasize at this point.

That is about the extent of the statement I had wished to make.

If there are any questions regarding my statement, I will be glad to answer them.

Mr. MORRIS. That was a very clear statement and a very fair statement. I want to compliment you on that statement, Mr. Whitman.

Mr. WHITMAN. Thank you.

Mr. MORRIS. Are there any questions the members of the committee desire to ask?

Mr. LEMKE. I just want to emphasize the last statement you made. You say this agreement was forced upon you. That is, you see the dam in construction below, and you know that water will be put in that dam, and that your village of Fort Berthold will be about 85 feet below water if the water is put in; is that correct?

Mr. WHITMAN. Yes, sir.

Mr. LEMKE. That is all.

Mr. MORRIS. Yes: it was truly forced on you. There is no question about that. I realize that.

Mr. WHITE. The construction work is going on?

Mr. WHITMAN. It will be under construction as soon as the weather permits.

Mr. WHITE. They have not broken ground on it yet?

Mr. WHITMAN. It has been under construction. When we left there was snow on the ground.

Mr. LEMKE. Yes; they have spent \$30,000,000 on it to date.

Mr. D'EWART. Mr. Chairman, will we have representatives of the Indian Bureau and the Army before us?

Mr. MORRIS. I think we will; yes, sir.

Mr. WHITMAN. I have brought some delegates along, and I would like to call them.

First I wish to present Mr. J. B. Smith, who has followed this from away back.

Mr. MORRIS. All right; come around, Mr. Smith.

STATEMENT OF JEFFERSON B. SMITH, MEMBER OF THE GROS
VENTRE TRIBE, AND OFFICIAL DELEGATE OF THE TRIBAL BUSI-
NESS COUNCIL OF THE THREE AFFILIATED TRIBES

MR. SMITH. Mr. Chairman, my name is Jefferson B. Smith, a member of the Gros Ventre Tribe, an official delegate of the Tribal Business Council of the Three Affiliated Tribes, comprising the Arickaree, the Gros Ventres and the Mandan and the individual members thereof.

The United States of America, before its advent as a Nation, was a haven for the oppressed of other lands. Political, religious, and economic oppression in Europe caused the Pilgrim Fathers to seek homes, freedom and greater opportunity in the New World. These Pilgrims, upon their arrival in 1620, were welcomed by the native Americans. They were given land and all that was within. In a short period of time, greed for gain became evident. The white man, motivated by a great desire to acquire additional territory, compelled the Indian to move thither and yon. Thus began the racial discrimination, plundering, stripping, despoiling him of his property; a delimitation of Indian tribal boundaries.

The Three Affiliated Tribes of North Dakota have always maintained utmost good faith and friendship with the United States. Many years ago, upon meeting his first white man, and, who aroused his admiration to a high degree, one of our chiefs decreed to his people that the white man was their friend and that there should ever exist a mutual and friendly relationship. When Lewis and Clark were designated to explore the land which comprised the Louisiana Purchase of 1804, they found a very friendly people in the three tribes. They were afforded food and protection. The famed Indian woman known as Bird Woman guided the expedition westward.

Many of our Indians joined the United States troops as scouts in the pioneer days and have rendered valuable services. The Commissioner of Indian Affairs in his report dated November 1, 1873, said of the Three Affiliated Tribes, pages 158 and 159:

The Indians of these agencies deserve more from the Government than any other tribes in Dakota on account of their fidelity to the Government and the faithful services rendered by them as scouts in compelling other Indians to keep the peace.

Another report dated August 31, 1874, pages 159 to 160, contains the following:

The military have found them the most brave and reliable of all Indian scouts. But notwithstanding their established friendliness, I found them in an intensively dissatisfied state of mind. They complained that while they had steadily kept the "straight path," the Government had not done so; the whites had lied to them, cheated them, and actually allowed them to starve, instead of feeding them and caring for them as promised in all their treaty councils. Unfortunately, and to our shame, their declarations are too true.

The proposal of the United States to negotiate treaties with the Arickaree, Gros Ventre, and Mandan Indians was gladly accepted as a kindly gesture.

The three tribes inhabited the Dakotas and eastern Montana. They were once populous tribes. It is a common knowledge among our older people that on or about the year 1837 a boat drifted down the river bearing some white men, one of which was allowed to remain

at an Indian village. He had smallpox. Ravages of the disease nearly exterminated the tribes.

The United States entered into a solemn treaty with Arickaree, Gros Ventre, and Manda Indians on or about September 17, 1851. The treaty lands as claimed by the three tribes were as follows: Commencing at the mouth of the Heart River, up the Missouri, Yellowstone, and Powder Rivers, to the headwaters of the Little Missouri River, to the foothills of the Black Hills, to the Heart River and the place of beginning, containing about 13,000,000 acres.

Across the span of our national history, it is inconceivable that treaties with Indians which have been sacredly solemnized and duly ratified have been violated by its author—the United States Government. The construction of the Garrison Dam which will inundate a large portion of our treaty land is a more recent violation of treaty. The Three Affiliated Tribes now deem that their faith and friendship with the Federal Government has worked largely to their undoing. It is quite evident that the Indians have done most of the giving and the United States Government most of the taking.

The native Americans, who in the remote past reigned supreme in all they possessed by immemorial right of occupancy, are an underprivileged minority group against whom many illegal forms of oppression and discrimination are practiced. Belonging to a minority group whose skin is pigmented seems to be a disqualification which serves as a bar in preventing participation in the benefits of American justice.

At one time in the past, the United States Government recognized the importance of fair treatment for the Indians and on July 13, 1787, it adopted the Northwest Ordinance, section 3 of which reads as follows:

The uttermost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress, but laws founded in justice and humanity shall, from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

In 1944 Congress authorized five dams to be constructed on the main stem of the Missouri River, one of which was the Garrison Dam.

This reservoir, when completed, will destroy the homes, the lands, and the economy of the Fort Berthold Indians. The Northwest Ordinance of 1787 was violated when the matter was not referred to the Indians for consideration. Preliminary work on the dam was well begun when a Colonel Freeman furnished us information that the Garrison Dam would flood some of the best land the Indian possessed, but that they would be given other land of equal value. The land offered included for the most part, the area known as the Little Missouri River Badlands. Much of the land offered is devoid of any vegetation. We refused the disgraceful offer. We have rejected other offers because we feel that our rights were not protected.

In July of 1947, Councilmen Packineau, Mahto, and I were present at the hearings before the Subcommittee on War Department Civil Appropriation Act, Public Law 296, to prevent, if possible, the flooding of our lands. The pleas we made to save our land, homes, and our economy was given a deaf ear. Our offer of an alternate plan and

location of a dam was not considered. An offer of \$5,105,625 was made.

We requested a compensation of a larger amount. There was disagreement and no further offer was made. We returned home to learn to our dismay that it was reported on the floor of the Senate Chamber that the Indians agreed to the offer. We did not agree to the offer and, hence, we charge that the offer was false and illegal. We protest the wrong being done to us by the illegal action and methods. The Indian has become inferior to the white man, he is forced to serve him and is subject to his master's orders. Because the Indian is weak and docile, he is wronged and imposed upon.

It has been a requirement of law that a contract be entered into by the United States Government and the Three Affiliated Tribes in the apportionment of the funds which was supposed to have been agreed upon by the Indians. The contract has been completed in compliance with the law. It is awaiting the ratification by Congress.

A grave situation confronts the Three Affiliated Tribes. The United States Government has entered into solemn treaties with the Indians. The treaties were made, composed, and devised by a commission authorized by the United States Government (Indians being illiterate and belong to a lesser social and economic caste), for the sole benefit and strictly in accordance with the desire of the Government. It has defaulted and broken the treaties. Will the present contract or treaty meet the same fate? The abuse and misuse of its ward Indians has created an atmosphere of suspicion and mistrust that no future time can repair.

The tribal business council of the Three Affiliated Tribes have signed the contract with tears in their eyes and heavy hearts. Being compelled to surrender about 155,000 acres of our best lands to the United States Government, thereby disrupting our homes and economy, the future looks dark and dismal to the Fort Berthold Indians. We are being punished for being Indians by a Christian nation.

The United States Government is the strongest, the wealthiest, and freest Nation in the world. It has furnished billions of dollars to Europe, Asia, and Latin America, much of which will never be reimbursed. The Government owes its wards a moral obligation. It is the guardian and bound by every moral and equitable consideration to discharge its trust with good faith.

To alleviate suffering, to restore in a small measure their dignity and to rehabilitate the members of the Three Affiliated Tribes in order to attain a wholesome American life, we urgently request that you enact into law in its entirety, House Joint Resolution 33.

I thank you, Mr. Chairman.

Mr. MORRIS. All right, we are glad to have your statement. We appreciate your being here and giving us the benefit of your views. Are there any questions by any members of the committee? All right; whom do you have next?

Mr. WHITMAN. I will next call Carl Sylvester, who is an official delegate of the Three Affiliated Tribes.

**STATEMENT OF CARL SYLVESTER, OFFICIAL DELEGATE OF THE
THREE AFFILIATED TRIBES, FORT BERTHOLD RESERVATION,
N. DAK.**

Mr. SYLVESTER. Mr. Chairman.

Mr. MORRIS. Mr. Sylvester.

Mr. SYLVESTER. Mr. Chairman, and gentlemen of the committee and fellow citizens, I am making a statement here as official delegate of the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak.

I was asked to touch on this treaty, and I shall be very brief.

In the treaty of Fort Laramie, Wyo., September 17, 1851, the Fort Berthold Indians were assured by the Federal agents that their lands would be secured and would be free from danger of dispossession in the future for any reason whatsoever.

This understanding was firmly established from that time to this, even in the light of repeated and glaring violations on the part of the Government and its citizens.

The Indians had great faith in the treaty, and always hoped that someday everything would be righted.

When the Indian Reorganization Act was passed in 1934 giving the three tribes authority to establish self-rule, it was believed to be the fruition of the guaranty of landownership rights and that the 1851 treaty was, after all, not a mere paper agreement, but a promise well kept.

Now, in this proposed river-control program, this treaty has been treated with very little consideration, and again made to become an obscure issue.

The majority of the voters of the Three Tribes signed the Army's contract because of the depressing atmosphere of foreseeable adverse decision by the Federal courts in the event of judicial litigation.

The Three Affiliated Tribes have kept their part of the treaty and deserve the utmost consideration. There is no excuse on the part of the Government to take steps at intimidation and instilling of fear in them about property confiscation. We were not at any time at war with the Government. Rather we cooperated in their efforts to maintain amicable relations and to keep peace with the rest of the tribes and help expand the march of civilization. We should be rewarded for these virtues by grant of what we ask which are modest and conciliatory in the extreme. We are not asking exact retribution, but a show of appreciation for what we believe to be our part well done.

A lengthy discussion of the 1851 treaty of Fort Laramie, Wyo., as pertains to the Three Affiliated Tribes would well deserve a space, but I am loath to take up too much time of our honorable gentlemen who have the burden of our national problems on their shoulders. It ought to suffice to say that our stand as outlined in the brief of Attorney R. H. Case is well merited and deserves all the consideration that you honorable gentlemen can bestow.

Thank you.

Mr. MORRIS. Thank you a lot for your statement, Mr. Sylvester. Are there any questions?

All right, who is your next witness, Mr. Whitman?

Mr. WHITMAN. We have our missionary present, the Rev. Harold W. Case, who will be the next witness.

**STATEMENT OF REV. HAROLD W. CASE, PASTOR AT LARGE FOR
THE CONGREGATIONAL CHRISTIAN INDIAN CHURCHES, ELBO-
WOODS, N. DAK.**

Mr. WHITE. For the purpose of the record, what is your name and title?

Reverend CASE. I am Rev. Harold W. Case, congregational missionary of the Fort Berthold Indian Reservation, N. Dak.

It has been my privilege to have lived and labored with the members of the Three Affiliated Tribes for the past 26 years. The church's program goes back some 73 years, so one can see we have had much opportunity to observe the progress of these people and know something of the many obstacles they have had to face through the years. I want to speak of their accomplishments of the past.

A people, once numbering their members into thousands, became decimated by smallpox until their number dwindled to a little more than a thousand.

Exploited by the unscrupulous white people, suffering the loss of many millions of acres of their land through Executive order of our Government, slapped down again and again, and thwarted at every turn. Amidst such disheartening set-backs, these people have shown a marvelous spirit, a desire to stand on their own feet, an effort to rise each time until now they are not only spoken of as among the most progressive of the northwest Indians, but having that undefeatable spirit they have stood out as people of promise.

Letters continue to come to my desk asking the reason why, for such progress. A former State official of Minnesota also asked the question after he had visited the reservation for the first time. Instead of finding Indians in war regalia, he found an intelligent, conversing people who gave evidence that they knew their objective as a people were concerned in bringing about a more meaningful way of life for all. Underneath it all was the inspiration, vision, and guidance of the churches through their own leaders which has won the admiration of all who have come to know them.

This is but a brief glimpse of the progress they have made in the past. They as a people suffered terrific losses though the years and yet amidst it all they have given so generously of themselves in cooperating with the United States Government in every way possible and more especially in the high percentage of its youth who volunteered for national defense. They have tried and have succeeded in a large way of accepting the white man's way of life.

Then came the knock-out blow. Before many of their sons had been mustered out of the service, the blow fell. The United States Government was demanding their homelands which had been theirs for generations, to make way for the coming of the Garrison Dam. The very heart and core of all that was very near and dear to them was demanded of them. The war drums had been buried long ago, for as long as the white man has known these people they have been known to be a peaceful people, but their eyes became moist, not being able to understand how this could happen to them by a Christian Nation. Why, they asked, must their social, religious, and economic life be so terribly disrupted.

Of course, they opposed the construction of the Garrison Dam, and the church could do no less than strengthen their hand and become vitally concerned about the tragedy about to descend upon them. So near had they come as a people to being able to stand on their own feet economically, and spiritually. This blow was like taking away their very foundation of life and threatened their very existence. At this point, when their way of life became threatened, the Garrison Dam versus Three Affiliated Tribes, became a matter of national importance. The general council of Congregational-Christian Churches meeting every biennium, took official action, first in 1944, again in 1946, and again in June of 1948. I wish to quote the most recent resolution, as of June 1948, meeting at Oberlin, Ohio:

Whereas the general council of Congregational-Christian Churches at its meeting at Grinnell, Iowa, in June 1946 took action protesting the building of the Garrison Dam which would involve the Three Affiliated Tribes on the Fort Berthold Indian Reservation of North Dakota and deprive them of 155,000 acres of land, their homes, and other institutions and disrupt their social, economic, and religious life, and

Whereas the appropriation for preliminary work has been made by the Federal Government and work begun: Therefore be it

Resolved by the general council, That the Federal Government be requested to compensate more adequately the members of the Three Affiliated Tribes, making possible a just and reasonable rehabilitation of their land, homes, other institutions, and their social, economic, and religious life, assuring their future welfare. (See report on resolutions, June 17-24, 1948, general council of Congregational-Christian Churches.)

Stripped of their working tools, the things they held near and dear, their bottom lands, home, schools, and their churches, built through their own sacrifices and labor, facing the necessity of removing their dead, some 2,000 in all, they face the most terrific upheaval ever confronting them.

So great is the actual disruption, gentlemen, that only many, many millions of dollars far greater than they are asking, and many years of effort can repair the damage to the lives of these people brought about by the building of the Garrison Dam. Our hope and prayer is that you who are Members of this Eighty-first Congress, now in session, will approve their request in House Joint Resolution 33 to assure these people of a reasonable rehabilitation.

It has been said that "the love of money is the root of half of the evil in this world and the lack of it is the cause of the other half."

We all know that it would be highly discriminatory to simply pay them for the value of their lands but we must grant them the funds with which they may build a finer way of life as free men of our great Nation, that they may retain that same undefeatable spirit and be kept from frustration. I am confident, gentlemen, that not only will the Three Affiliated Tribes give an excellent accounting of themselves in the years ahead, but who knows in our meeting their needs in this hour of crises but what may come from this valley some of America's ablest minds. This is why I urge your approval of House Joint Resolution 33 and have confidence that you will.

Thank you.

MR. MORRIS. We appreciate that statement very much, and we are mighty happy to have you with us. We realize the great need of spiritual force, especially in this old world, and we thank you very much for your contribution.

Reverend CASE. Thank you.

Mr. MORRIS. Are there any questions?

Mr. WHITE. May I ask a question or two, Mr. Chairman?

Mr. MORRIS. Yes, sir, Mr. White.

Mr. WHITE. You are working on religious work among the Indians as a missionary?

Reverend CASE. Yes, sir.

Mr. WHITE. Has the population of the tribe increased or decreased?

Reverend CASE. It has increased. When we started our work there were 1,200 souls there; today there are 2,215.

Mr. WHITE. It shows a normal increase in population.

What about their education; how many of them are illiterate, what percentage of them can read?

Reverend CASE. All of them can read. They can read their own language. All of the old people can read their own language which we translate for them.

Mr. WHITE. How many missionaries of your denomination are there there?

Reverend CASE. I am the only one.

Mr. WHITE. You are the only one out there?

Reverend CASE. Yes, sir.

Mr. WHITE. And you have regular services?

Reverend CASE. At seven centers on the reservation.

Mr. WHITE. Thank you, Reverend.

Mr. MORRIS. Thank you, Reverend. Whom do you have next, Mr. Whitman?

Mr. WHITMAN. Mrs. Byron Wilde.

STATEMENT OF MRS. BYRON WILDE, FORT BERTHOLD INDIAN RESERVATION

Mr. MORRIS. All right, Mrs. Wilde; we are mighty happy to have you with us.

Mr. LEMKE. Mr. Chairman, before Mrs. Wilde makes her statement, I wish to just make a few comments.

I met Mr. Wilde the first time as a rival on the football field, and he was one of the star players for the Agricultural College. I was playing on the university team, and we were warned to watch Wilde, that he was fast and a powerful runner and if he ever got away he would make a touchdown. Since then we have been very close personal friends.

Mr. MORRIS. That is very interesting, Congressman Lemke, and we appreciate that personal touch.

We have very glad to have you with us, Mrs. Wilde, and we will be happy to receive your statement.

Mrs. WILDE. I represent the Arickarees. My name is Anna D. Wilde. I am from Fort Berthold, and I am one of those living in the strip that is to be flooded.

We have gathered here in deliberation upon a subject that is quite vital to the interest and advancement of the three tribes of Indians, Arickarees, Gros Ventres, and Mandans, owning and possessing homes within the Fort Berthold Reservation.

I am sure we are all familiar with the subject of the Garrison Dam project which is now under operation of building across the Mis-

souri River, near the town of Garrison, N. Dak., and which will necessitate the moving of many Indian homes on the said reservation.

After much consultation and deliberation between the Indians and the Government, a plan for accommodating the exchange of these present homes for homes in other localities, has been accepted and is now before the Senate in the form of a bill pending action of Congress.

But suddenly out of the horizon, opposition has risen against the contract already signed by the Indians concerned. A majority of the people wish to protect anything opposing the passage of that bill. We feel the Wheeler-Howard Act advocates a Government which is most advisable for these Indians at the present time, and under which they have made progress.

We feel that any changes would cause the kettle to boil over. We are endeavoring to quiet agitations of fault and dealings in all forms. Although this change of living has produced serious discussions upon the subject, we feel that all has been accomplished that can be done.

The mothers of the Three Affiliated Tribes of the Fort Berthold Reservation have suffered severe heartaches brought about in connection with the construction of the Garrison Dam project in our locality.

Our ancestors and forefathers gave us our land and homes, which our United States Government in peace treaties promised would be ours forever.

Our forefathers were long-visioned and provided extensive areas for hunting grounds. In this abounded much buffalo, elk, deer, et cetera, for food.

The men want to hunt and war. The old-time mothers remained at home to keep house and to do farm work. The game, which the men brought home, the women tanned and converted into moccasins, shirts, leggings, and jackets. The meat was conserved by slicing thin, dried and stored away. This was for eating during gardening and harvesting the vegetable products for another year.

The mother tilled her garden with a shoulder blade of a buffalo tied to a stick. From her garden, the harvest was a large crop of corn, beans, and squash. It was from such a supply that she furnished seeds to the pale-faced stranger, who had come into our midst.

Along the Missouri River bottom land grow different kinds of berries which are picked and preserved.

Last summer the berry trees and shrubs brought abundantly. In our family, we put up 100 quart-size jars of june-berries and dried 25 pounds besides 90 quart jars of plums, 50 quart jars of plum butter, 50 quart jars of plum jelly, 90 quart jars of choke-cherry jam, 90 quart jars of choke-berry syrup, and 10 quart jars of buffalo-berry jelly. Other mothers may have put up more and others less, but they all preserved some.

The events of today are changing rapidly. We mothers are confronted with heart-rending problems for our children and youth of tomorrow. It is cutting the heart right out of life of our people in the thought of problems of the near future. What humane justification can be offered to suffice the sad plight into which our children have been thrown? What consideration for their best future welfare be granted? We mothers continue in prayer for humane justification.

So that again we may take heart and feel we may rightfully hold up our head to sing. My Country 'Tis of Thee.

In closing we wish to express our gratefulness to those who have been our kind advisers and unselfish friends—especially Senator Langer, Senator Young, the Honorable Congressmen Lemke, Burdick, Attorney Case, Senator O'Mahoney, Mr. Allan Harper and our Superintendent Riefel, who have been and still are laboring for our best interest.

Gratefully presented in the sincere interest of the Three Affiliated Tribes of the Fort Berthold Reservation.

MR. MORRIS. That is a very splendid statement. We appreciate that very much.

Are there any questions, gentlemen?

I might ask you this one question: What does a buffalo-berry look like. I have never seen a buffalo-berry.

MRS. WILDE. They are little red berries, very much like currants.

MR. MORRIS. What is the flavor? Do they taste like some other berry we are familiar with?

MRS. WILDE. I guess the nearest is the currant.

MR. WHITE. Are they tart?

MRS. WILDE. Yes.

MR. WHITE. They make good jelly?

MRS. WILDE. They are very tart and make good jelly.

MR. LEMKE. I may state, if you have never tasted the jelly you ought to.

MR. MORRIS. I have never tasted it. Maybe we will have the honor and the privilege of coming out sometime and eating some of your jelly.

MRS. WILDE. We would be happy to have you.

MR. WHITE. I am afraid we are neglecting something by letting the berries go to waste.

MR. WHITMAN. Mr. Chairman, at this time I would like to present something on the cattle phase of our livelihood of the reservation. I shall invite Mr. B. J. Youngbird to be the next witness.

MR. MORRIS. We shall be happy to hear from you, Mr. Youngbird.

STATEMENT OF B. J. YOUNGBIRD, MEMBER, THREE AFFILIATED TRIBES, FORT BERTHOLD INDIAN RESERVATION, AND MEMBER OF THE BUSINESS COUNCIL

MR. YOUNGBIRD. Mr. Chairman and gentlemen of the committee, I am B. J. Youngbird, enrolled member of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, and a member of the business council, duly elected by a majority vote of the Nishu district.

I desire to speak as a stockman of the Fort Berthold Reservation. Stock raising has been the principal industry of the Three Tribes. Our livelihood depends on the outcome of stock business.

We raise a high type Hereford cattle. We aim to better our herds by using purebred sires. We run our cattle on the upland during the summer months. We depend entirely on our bottom lands for our winter pasture. The bottom lands and the timbered areas afford our cattle an ideal winter shelter.

When our reservation is divided into five areas by the flooding of our land, it will cause much hardship. The heart is taken out of our great cattle country. Our cattle business will be ruined and our livelihood will be hindered to a great extent.

Our whole cattle-industry program is based on our natural resources. Now that we will be compelled to do without, it is imperative that a complete change of plans will be made in this cattle program.

The fact that the contract was not ratified last spring does not help our program.

We Indians realize that we will have to move due to the flooding of our lands. This delay has affected us in such a way that progress of our individual program has been considerably retarded. Improvements on our ranches within the taking area seem useless and unnecessary, as it will be a temporary measure.

Our movement to upper lands is encouraged, but is not implemented due to lack of funds necessary for such a task.

When we are compelled to move to other parts, we must start life anew. We need much help; therefore, we request that you ratify our contract as is.

Mr. MORRIS. We appreciate very much your statement, and we certainly will give careful consideration to your request.

Mr. WHITE. Mr. Chairman?

Mr. LEMKE. I have one question.

Mr. WHITE. I yield to the gentleman from North Dakota.

Mr. LEMKE. Your homes will be destroyed and flooded when you move onto the flats, where the winds hit you and the blizzards hit you full blast. You will have to build far more substantial and warmer homes, and the material which you build your homes which will cost you a great deal more than you would have to pay for homes where you now live; is that not true?

Mr. YOUNGBIRD. Yes, sir.

Mr. LEMKE. The same is true when you have to build barns and shelters for your cattle.

Mr. YOUNGBIRD. That is true.

Mr. LEMKE. There will not be a single tree, so far as I know, left anywhere on these higher lands.

Mr. YOUNGBIRD. No.

Mr. LEMKE. That is all.

Mr. MORRIS. Mr. White?

Mr. WHITE. You are a member of one of the tribes?

Mr. YOUNGBIRD. Yes, sir; I am an enrolled member of the tribe.

Mr. WHITE. Do you have any allotment of land of your own?

Mr. YOUNGBIRD. I do.

Mr. WHITE. How much?

Mr. YOUNGBIRD. I have 160 acres.

Mr. WHITE. You have a 160-acre allotment. Do you run your cattle on the tribal land?

Mr. YOUNGBIRD. Yes.

Mr. WHITE. Do you have to pay anything for the privilege?

Mr. YOUNGBIRD. No, sir.

Mr. WHITE. You just run your cattle on it?

Mr. YOUNGBIRD. Yes.

Mr. WHITE. Would there be any difference, whether you had 100 or 1,000 head? Is there any limit on what you can run out there?

Mr. YOUNGBIRD. No, sir.

Mr. WHITE. There is no limit on this bottom land we are speaking of. Is any of that in tame grass such as alfalfa and things like that?

Mr. YOUNGBIRD. There is some in crested wheatgrass and clover, and there is some alfalfa. There is not so much alfalfa, but there is some alfalfa.

Mr. WHITE. As a rule, how much feeding of hay do you have to do in the winter? Do you feed at all?

Mr. YOUNGBIRD. Very little. The only feeding we have to do would be pretty much in the month of February or March.

Mr. WHITE. You do put up hay and have reserves in the stacks around there in case of a hard winter?

Mr. YOUNGBIRD. Yes, sir.

Mr. WHITE. But some winters you do not have to use that?

Mr. YOUNGBIRD. We do not use even a forkful of hay.

Mr. WHITE. The hay is there, though. If you do have a winter like last winter you can take care of the cattle; but as a rule you do not have to feed hay?

Mr. YOUNGBIRD. That is right. All our bottom lands which we are speaking of, which will be flooded, are ideal winter pasture. The shelter and everything is there.

Mr. WHITE. The grass that grows in that particular country is exceptionally nutritious and fine for cattle, is it not? They keep in good condition just running out on the range?

Mr. YOUNGBIRD. That is true, sir. They keep in perfect condition. The heavier cattle, too, which will have calves in the spring of the year, there are very few of those which we must take up and feed.

Mr. WHITE. A young heifer which is going to have a calf in the spring can get through the winter and have the calf without trouble, just running out on the range?

Mr. YOUNGBIRD. That is true.

Mr. WHITE. Unless there is an exceptionally hard winter?

Mr. YOUNGBIRD. Yes.

Mr. WHITE. How often do you strike a winter when you have to feed?

Mr. YOUNGBIRD. 1949 is the only one I know of.

Mr. WHITE. You have not had to feed for years until this last winter?

Mr. YOUNGBIRD. Yes, sir.

Mr. WHITE. But you do have a hay reserve?

Mr. YOUNGBIRD. Yes, sir.

Mr. WHITE. The land which will be flooded is the land you depend on for winter pasture, and the land you depend on to put up the hay for the reserve?

Mr. YOUNGBIRD. That is true.

Mr. WHITE. I think that is all.

Mr. MORRIS. Thank you very much.

Mr. WHITMAN. Mr. Chairman, there is one young fellow, an ex-GI, and one of our youngest members of the council, whom I think you would be interested in hearing. This is Mr. Little Soldier.

Mr. MORRIS. Very well, sir. Will you please come forward.

STATEMENT OF NATHAN LITTLE SOLDIER, COUNCILMAN, FORT BERTHOLD RESERVATION

Mr. LITTLE SOLDIER. Mr. Chairman and members of the committee, I am Nathan Little Soldier, an Arickera and Mandan Indian.

Mr. WHITE. Your name is "Little Soldier"?

Mr. LITTLE SOLDIER. That is right. Rather unfortunately I went into the Army, and was ribbed about it.

Mr. WHITE. I think it is a very appropriate name.

(Discussion off the record.)

Mr. LITTLE SOLDIER. I am an enrolled member of the Fort Berthold Reservation. I have been duly elected councilman by majority vote.

I am a member of the Veterans of Foreign Wars. I am much puzzled by familiar posters. Fight for your country by joining the Army, Navy, and Marine Corps. I have joined the forces as many have done. Many of my fellow soldiers have sacrificed their all; some returned disabled. I am grateful to my Creator that I have returned, but I am saddened to return and find the land I fought for only to be taken from me for the Garrison Dam. We realize the fact that the dam is essential, and we are willing to surrender our lands to be flooded. We have only one consolation. That is, for you honorable members to give us your kind consideration to ratify our contract.

I am a member of the Fort Berthold Livestock Association. I desire to speak to some extent on livestock business. The Three Affiliated Tribes have always been stockmen. Our reservation is an ideal place for livestock. It has been our practice to increase and better our herds. We specialize in Hereford cattle.

All of these plans had been made several years ago with no consideration given to any possibilities that our best land might some day be taken away from us. Now that we are certain that this best part of our reservation is to be taken away, we will have to completely revise our cattle program to fit the poor and diminished area caused by the Garrison Dam. This is a total disruption of a reservation program designed to completely rehabilitate our Indians.

To give a brief history on the cattle program, the tribe borrowed some \$50,000 from the United States for loans to Indians. Since I am now a member of the loan committee and have acquainted myself with the intentions of such a system and also the condition of my people, I find this amount to be very small. Up until last year, the tribe carried \$35,000 as a working fund. As evidenced by the records and my observation, the aim and use of this limited fund was to take care of as many as possible; in other words, a lot of small loans which did more harm than good. Our present working fund is \$110,000, which has been used to effectively set up an individual right. The revolving cattle program has been in operation longer. Our Indian cattle ranchers owned some 3,000 cattle at the beginning and now own some 8,000 head.

In spite of all this great effort toward an economic unit, the progress of the program has slowed to almost a halt, due to the impending flooding of our best land. The Indians, in general, are in the dark. They know they must move, but so long as this bill is not ratified the progress of Indians is practically at a standstill.

That is all I have to say. Are there any questions?

Mr. LEMKE. Mr. Chairman?

Mr. MORRIS. Mr. Lemke.

Mr. LEMKE. This, perhaps, has nothing to do with the bill. What schools did you attend?

Mr. LITTLE SOLDIER. Is this off the record?

Mr. LEMKE. It is on the record.

Mr. LITTLE SOLDIER. I attended Indian schools 360 miles away from home, when I was only 6 years old. My father died when I was 2 years old. There were seven of us in the family, and I had to go away from home when I was 6 years old. I stayed there to complete my grade-school education at Wahpeton. From there I went to Nebraska, and Elbowwoods. I did not complete high school. I only went up to the eleventh grade.

Mr. LEMKE. Most of the Indians, at Fort Berthold have an education and can read and write; or practically all of them?

Mr. LITTLE SOLDIER. Certainly. Excuse me, but that is a foolish question to ask. This is progress. Everybody has progressed, like anyone else. I will bet my last dollar, which is not very much, that I can go to any Indian over there and have him read or write a letter.

Mr. LEMKE. The reason I ask you that is that there are so many who do not have that same advantage.

Those educational institutions at Fort Berthold and all that you had there will be flooded? They will be under water?

Mr. LITTLE SOLDIER. That is right.

Mr. LEMKE. You will have to do the same thing all over again?

Mr. LITTLE SOLDIER. That is right.

Mr. LEMKE. With the aid and help of the Department, of course?

Mr. LITTLE SOLDIER. Yes. It will set us back.

Mr. LEMKE. I will say that I have met one of your young ladies out there, while we were driving in that country.

Mr. LITTLE SOLDIER. Which one was that?

Mr. LEMKE. I forget her name. She was a young teacher, and in talking to her, with the person that was driving her, I came to the conclusion that she was about as able a teacher as many a white girl I have known.

Mr. LITTLE SOLDIER. Thank you.

Mr. LEMKE. That is all.

Mr. MORRIS. Mr. White?

Mr. WHITE. The main dependence of the Indian on this reservation is the production of livestock?

Mr. LITTLE SOLDIER. Yes, sir.

Mr. WHITE. If they were prevented from producing livestock on the reservation they would have a difficult time supporting themselves on this reservation land?

Mr. LITTLE SOLDIER. Yes, sir.

Mr. WHITE. That is your main dependence, livestock?

Mr. LITTLE SOLDIER. Yes, sir.

May I add that by depriving us of all this you can class us in the same category as the rest of the starving Indians, and the rest of the illiterates, by putting us back that far.

Mr. WHITE. That land is not suitable for raising grain or vegetables or things like that?

Mr. LITTLE SOLDIER. I happen to be a farmer.

Mr. WHITE. Go right ahead and explain. I just want to bring out the facts and conditions.

In the first place, you range your cattle on the highlands, and in the wintertime they go down to the lowlands along the river?

Mr. LITTLE SOLDIER. That is right, sir.

Mr. WHITE. You have a little reserve of hay so that in the event of a very hard winter you can tide them over?

Mr. LITTLE SOLDIER. Yes.

Mr. WHITE. But as a rule the grass is so full of nutrition and so rich that you do not have to put up the hay. They pasture out in the winter. The snow does not get deep enough to prevent grazing through the winter?

Mr. LITTLE SOLDIER. That is right sir. Speaking of the little hay I put up last year, it summed up to 400 tons.

Mr. WHITE. You had a hard winter, but if you had had a mild winter would you have left this 400 tons of hay in the stack, or would you have sold it?

Mr. LITTLE SOLDIER. I would have done just like the white man. I would have put it in the bank and saved it for hard times.

Mr. WHITE. You would have sold it, received the money, and put it in the bank. You have such a good cattle group that you not only have the income from the cattle, but if you are of a mind to you can sell your hay if the winter is not severe and have two incomes, one from hay and one from cattle?

Mr. LITTLE SOLDIER. That is correct.

Mr. WHITE. By putting in this dam it will flood that lowland and you will lose that income?

Mr. LITTLE SOLDIER. That is correct. We will be just another starving bunch of Indians in North Dakota.

Mr. WHITE. And the highlands are not suitable for raising grain, corn, and things like that?

Mr. LITTLE SOLDIER. I raise grain. My brother and I work together. The reason we work together is that I spent a little time in the Army. I was set back 4½ years by volunteering for the service.

I should have known some of you Congressmen and Senators, to have gotten myself out of the Army, to stay back on the farm and make a little money.

Mr. WHITE. I think you have given the Congressmen more power than they really have.

Mr. LEMKE. I am inclined to agree. A Congressman could not prevent the boys from going to the Army.

Mr. WHITE. But if the Indian has to go to the highlands and has to depend on the grain farming, then he could not make it if you had a drought. Droughts are common back there, are they not?

Mr. LITTLE SOLDIER. That is right.

Mr. WHITE. He would live in a very precarious condition. In fact, the country would not support him if he could not raise cattle; is that the idea?

Mr. LITTLE SOLDIER. That is my idea.

Mr. WHITE. That is all.

Mr. LITTLE SOLDIER. Thank you.

Mr. MORRIS. Thank you very much, sir.

In view of the statement of this witness and others. I believe it might be well for the chairman to make a short statement at this time.

I certainly would not in any way attempt to justify this original project, this dam which will destroy a great deal of your land, but I would like to make a statement about this.

The law provides, and we will do our very best to see that that law is carried out, that where your land is taken away you are entitled to a just and a fair compensation for it. I realize fully that this great Government of ours has violated the treaties with the Indians many times. I take it that every nation in the world has done those things, and it is certainly nothing to be proud of.

I think we are, taking everything into consideration, the greatest Nation in the world, but we are certainly not free from defects, and we certainly have made mistakes and errors in the past. When I say "we" I mean those who were in power at the time have made mistakes for and on behalf of our great Nation. I, for one, look with a great deal of regret, to put it mildly, upon many things that have happened with respect to our great Nation in dealing with our Indian friends.

However, I would like to also call to your attention this situation: That this particular project—whether it is best or not is not the point at this time, since this dam is an accomplished fact—was not designed in any way by anyone, I am certain, just to take your lands away. That was not the design of it. The purpose of it was and is to keep apace with modern progress.

Flood control on the Missouri, irrigation, reclamation, hydroelectric power, and so on are very important. In other words, the purpose of this project, together with the other projects of this great river and its tributaries and so on, is to give the greatest amount of service to the greatest number of our people, including your own people.

All over our great land the white people, the same as the Indian people, are having to give up their lands in very similar situations to this. Lowlands are being flooded over all of our Nation by dams that are being built.

The point I want to make is this: There was no design, I am certain, on the part of anybody just to take your land away from you, but you happened to fall victim, as the saying is, to progress of this Nation in that particular respect.

While you do so, you are not the only ones who fall victim to it. There are thousands and even perhaps it will run up to millions of white people who will fall victims to this same situation.

However, the set-up for our Government is such that it provides when land is taken for public purposes, that there must be a just compensation. That is one of the blessings of democracy. That is one of the fundamental provisions in a democratic constitution and in democratic laws, that no private property can be taken by the Government without just and fair compensation to the owner.

So our burden here is to find out what the just and fair compensation is to you good people, and to do everything within our power to see that you are justly, honestly, and fairly compensated for this loss which you are going to suffer.

I might say to you that I, as one member of this committee only—and I imagine that I speak the sentiments of every member of the committee—if there is any doubt in my mind, I am going to resolve that

doubt in your favor. That is not because I am trying to curry any favor with you, but because I think justice requires it. That has always been my theory.

I sat as a district judge for nearly 10 years out in Oklahoma and I tried many condemnation suits, largely involving the erection of high lines and highways and things like that. I always took the position that the jury and the court should be very careful when land was being taken from anybody, no matter who it was, to be sure that every element of damage that was fair and right should be considered.

As I say, I am not saying that to curry favor with you, but just common justice requires that we do take into consideration every element of damage that people suffer, and that we give you the benefit of any reasonable doubt.

I think that is the attitude of this committee. We might err. We might be mistaken. We might not agree with you, but we will do our very best to see that you are justly compensated.

However, in some ways, we cannot ever compensate you, for this reason: If I have a little home out in the West, that has a sentimental value to me and it is taken away from me no one can compensate me for it. I might have a home which I would not sell for \$1,000,000, and yet nobody would give me more than a few thousand dollars for it, so I will be frank to admit that there is just no way in the world that this Government or any government could compensate you actually for the loss of your land. You probably would rather stay there than to go anywhere else in the world, even though the value of the land were not nearly so great on the commercial market as you might consider it to be.

I just make that general observation for the one purpose alone, and that is to dissipate any feelings in your mind, if you have such feelings, that there is any disposition on the part of anybody to willfully injure you people.

I had nothing to do with the original presentation of this proposition as an individual member, but I just want to dispel from your minds any thought, if you have any thought, that there was any particular or definite conspiracy or attempt on the part of anybody to injure you good people. I am sure there was no such disposition, although the result may be as disastrous to you, perhaps, as if there had been as actual design as that.

I will assure you that this committee, and I feel this Congress, will do its very best to compensate you in every way that we possibly can.

MR. WHITMAN. Mr. Chairman, as was pointed out by my colleague who just arose, the Indians, in general, on this reservation, are intelligent. We concede and appreciate the justification for a series of these dams. What is bewildering and puzzling to the Indians is that five of these dams affect the Indian reservation.

MR. MORRIS. I am not sure. I cannot answer that. I do not know why that is true.

MR. WHITMAN. If one or two affected the Indian reservation it could be classed as unintentional, but when five do that is a different matter.

MR. MORRIS. How many are there altogether, Mr. Lemke?

MR. LEMKE. There are five on the Missouri River.

MR. MORRIS. And all will affect the Indian reservation?

MR. LEMKE. I imagine so. I know that those in South Dakota do, and I presume that they all do.

I may state that the Indians first wanted this dam built up by Spanish, which would have permitted the great part of their reservation to be free, and that would have stored 10,000,000 acre-feet of water. I may be mistaken.

However, they wanted 17,000,000 later. Then the engineers had a dream of 23,000,000 acre-feet, which is the largest reservoir in the world, I guess, if finally carried out, and in all these propositions sometimes I have felt that we are too eager to have something that is big and sometimes we forget that the damage may be as big or bigger than the benefits.

However, these 11 States have acted together. It is not only one or two States. There are 11 States involved in this great project, and it has finally been approved.

There was a lot of difference of opinion. First, there was the Sloan plan, which did not provide for all of these great dams, and then there was the Pick plan.

The Senate and the Congress refused to take either one separately, and they told them to get together.

They got together, and out of it you have what is known as the Pick-Sloan plan, and there is some dispute still about what some phases of it really mean.

There have been documents signed by both Sloan and General Pick that provide for 17,000,000 acre-feet. That is the one that was adopted, but later on they agreed to a higher dam, but there was a provision put in there when they did adopt that that the engineers of the Bureau and of the Army could get together and agree on a higher elevation dam.

Mr. WHITE. The very fact that they put this dam for irrigation in this spot indicates that the land is subject to drought and is not entirely suitable for agriculture?

Mr. LEMKE. There is not any question about that, but the Sloan plan never intended any irrigation from that dam.

Mr. WHITE. If the Indians did not raise cattle or livestock, they could not subsist.

Mr. LEMKE. That is true.

Mr. WHITE. There is another thing we must take into consideration. There are very few spots in the United States and in the whole world where they can graze cows after the frost hits the grass on the stem, where it does not have to be harvested and put up. It is one of the few spots on the whole globe where the stock can run out the whole year round and get fat or graze where the grass has been hit by frost. I think that is a tremendously important point.

Mr. MORRIS. That is an important point. It certainly is.

Mr. WHITE. When the frost hits the grass in our country the cattle begin to fall off, and they will starve to death in a field with grass knee high. There is just no nutrition in it. It is only in Montana and Dakota that the frost is the type so that the grass can support the cattle.

Mr. WHITMAN. Mr. Chairman, were you ready for the next witness?

Mr. MORRIS. Let us stop here just a moment for consideration.

(Discussion off the record.)

Mr. WHITMAN. Mr. Chairman, I would like to introduce Father Tennelly.

STATEMENT OF FATHER JOHN B. TENNELLY, BUREAU OF CATHOLIC
INDIAN MISSIONS, WASHINGTON, D. C.

Father TENNELLY. I am John B. Tennelly of the Bureau of Catholic Indian Missions, Washington, D. C., and the director of our Bureau of Catholic Indian Missions here in Washington.

I have no intimate knowledge of the situation. We do have supervision over religious work throughout the country.

I have had occasion to visit the Fort Berthold Reservation a number of times, and I have been impressed by the way the people have made use of the opportunities they have had there. I have been impressed with the houses they have and the way they have kept up their little farms. Not knowing much about the cattle, I was impressed by the cattle herds I saw in different parts of the reservation.

My general impression was that they were a very progressive people, and on the whole self-supporting on a level that was considerably above the level of some other groups along the river.

From what I hear from our priests on the reservation, there is a good deal of uncertainty, as the witnesses here have told you, among the people, as naturally would be the case. They do not know what is going to happen.

I would suggest the desirability, as some others have, of speedy action on this matter.

Our religious work, of course, has been hampered just like every other activity on the reservation.

I am sure that is the experience of the other people that are working on the religious line. We feel that a good deal has been accomplished on account of the economic improvement that has taken place in the last 50 or 60 years among the Indians.

I think it is the general experience of the worker, whether he is a Catholic or non-Catholic, among people, whether Indians or others, that getting stability is one of the main essentials of progress in religious lines. Until you can get the people settled down and in homes of their own, with some kind of dependable resources to fall back on for a livelihood, your religious work is very much hampered.

This instability, I think, has militated against religious work as well as against other phases of activity on the reservation, so I would suggest to the chairman and to the members of the committee that speedy action on this measure would be very desirable from every point of view, it seems to me.

Another thing I would suggest respectfully to the chairman and the other members of the committee is that the Indians be dealt with not only justly but fairly, as the chairman himself has said so often. It is hard to set a value on property. When you put a thing in dollars and cents, it may be a good bargain and it may not be a good bargain. The appraisers that made the original valuation, I think, went on the principle of offering the least possible amount. That has been our experience with our particular mission properties. It is what the thing would bring at a sale. That is probably the same estimate they put on the Indian property, whereas that is not the replacement value at all. These people would be uprooted and would have to start all over again. There would be a time when they could not depend on

their own efforts for livelihood. They will have to have some other resources to carry them over as people settle out in the new country there.

I would suggest that the committee, in looking over these figures that have been presented by the attorney and by the tribal council and others, who have a good idea of the damage, take those statements into careful consideration.

I thank you, gentlemen.

Mr. LEMKE. May I just ask a question?

Father TENNELLY. Yes, Mr. Lemke.

Mr. LEMKE. When you were out there I think you found what I have found: A highly civilized, educational, social, and economic unit of Indians.

Father TENNELLY. Yes, sir.

Mr. LEMKE. The same as you would by going to any village of white people.

Father TENNELLY. Yes, sir.

Mr. LEMKE. To your mind that would have an intangible value the same as good will, when we take a business property over.

Father TENNELLY. Yes, sir.

Mr. LEMKE. Under the constitutional provision of just compensation, that should be taken into very serious consideration.

Father TENNELLY. I think so.

Mr. LEMKE. That is all.

Mr. MORRIS. Thank you very much, Father Tennelly, for your statement.

Mr. Whitman.

I would like to have you consider the game angle next, and with regard to the deer, we have Vice Chairman Joe Packineau.

STATEMENT OF JOSEPH PACKINEAU, JR., VICE CHAIRMAN, FORT BERTHOLD TRIBAL BUSINESS COUNCIL OF THE THREE AFFILIATED TRIBES

Mr. PACKINEAU. Mr. Chairman and gentlemen.

Mr. MORRIS. You may proceed.

Mr. PACKINEAU. I am Joseph Packineau, Jr., vice chairman of the Fort Berthold Tribal Business Council of the Three Affiliated Tribes.

The Plains Indians at one time had, as their main source of food supply, the buffalo of the prairies and the deer along the rivers and streams.

We at one time had 12,000,000 acres in our reservation with all the buffalo and deer we could use. Today the buffalo are gone. We have been turning over our lands to the Government until today we have left only 550,000 acres.

The buffalo have vanished with our once vast area.

We, at the present, have plenty of deer on the Big Missouri, and the Little Missouri River bottoms. It is this very part of our reservation that we are losing, and our supply of meat from deer will disappear as have the buffalo.

Meat has always been the main source of my people. Every family on the reservation adds to their food supply with at least two deer each

year. This is a big item for people who are struggling to take care of their families. Our custom of hunting is to share with your fellow hunters and neighbors alike. It is a custom where nobody is left out on the kill within the party.

I am sure that you gentlemen have some idea about the cost of meat these days in your grocery bill every month, and you can see how much it must mean to my people when they are short on money and all they need to do is to go into the woods and bring home a deer to help feed their children. If it was not for this valuable source of meat supply, many of our little boys and girls would not be as healthy as they are today. This Garrison Dam is going to take away all of this. There will be no forestry area left on the prairie flats where the deer can go to. They will be driven entirely away from our reservation that will be left. We will lose this important food supply forever. I know our contract will pay us for our land and timber, but it does not replace this supply of deer meat that would have been ours only for the taking for all time to come.

The Joint Resolution 33 is presented here, gentlemen, with an item of 6½ million dollars. If the Congress of the United States will act favorably on it, this amount, with its other provision, will help us to rehabilitate ourselves in the cattle and other businesses so it will not be necessary for us to depend on this deer supply that will be lost.

I wish you could come to our reservation in the proper season and see how my people hunt deer and share the meat with all the families. It may look like a small thing, but it means an important part of our living.

I earnestly hope you will recommend passage of this legislation. If it is passed as it is now presented to you, it will help us to get on our feet. We will be able to take care of our families even though our bottom lands disappear and our deer go with it. While we will miss the great sport of deer hunting, with this legislation enacted, we will be able to work out other ways to provide food for our children, and while other meat does not taste as good, we will have money to buy it and it will help to keep them healthy.

The Indian hunter uses about every part of the deer he kills. The hide which is used in many things too numerous to mention: the sinew is used for thread, the hair for saddle packing, the others are used for decorations.

Mr. MORRIS. That is a very good statement, and a very interesting statement. We appreciate it very much.

Are there any questions, gentlemen?

Mr. LEMKE. The only thing I have to say is that when I go hunting the next time I will join Mr. Packineau, so that he will divide with me.

Mr. PACKINEAU. You are certainly welcome to come along with me.

Mr. WHITMAN. Mr. Chairman, I would like to introduce Mr. Ben Heart, who will speak on coal and the lignite angle, since he has experience in mining out there.

Mr. MORRIS. I want to compliment you on the way you are arranging this. It certainly shows forethought and organization. You are very, very helpful to the committee by calling on these parties to speak on specific points. I like that arrangement very much.

(Discussion off the record.)

**STATEMENT OF BENEDICT HEART, MEMBER, BUSINESS COUNCIL,
THREE AFFILIATED TRIBES**

Mr. HEART. Mr. Chairman and members of the committee, I appreciate very much, from my heart, the opportunity you have extended to us. Otherwise, if we had adjourned, I would feel as though I were put in another room. I can sense the democracy of this United States when you say, "All right, we will go on."

Mr. MORRIS. Thank you a lot. We are glad to have you with us. We assure you of that. You may proceed.

Mr. HEART. Mr. Chairman and members of the Eighty-first Congress of the United States, I am Benedict Heart, an Arikara, a duly elected member of the Three Affiliated Tribes' Business Council. As I understand it, we are to justify the \$6,500,000. In my mind, this is very unusual. Here we are in a fine reservation with a lot of natural resources. The United States wants to buy our land for their use. We know it is a fine place, and if it is to be sold, we want our price, and so named it.

In private business a lot depends on whether a person is trying to buy or sell. In this particular case we are neither the buyer nor the seller. I fail to see where a justification is necessary, but since we have no alternative, in my opinion this should not be hard. To give a sample I will point it out in one of our natural resources, lignite coal.

I am picking on this because I have mined coal, not only for my own use. The use of this coal, to us, has proved its worth this year. I am safe in saying this, that there has not been one family that ever froze because of a lack of coal all these long years we have lived there.

The loam soil that covers the coal has been very easily removed with our common tools. With your naked eye you can see the coal streaks along the banks. The vast stretch of this reservation runs east and west, in which the river divides it, to its length of something like 70 miles long, and bears lignite coal on two sides of this valley, which means approximately 140 miles of coal.

These tremendous coal deposits and its byproducts could have become available and invaluable to our Nation in time of national defense. We, the people of this taking area for the Garrison Dam, experienced long winter months, but fortunately with nature's supply of this coal, have kept us in comfort.

The unfortunate Indians without heavy trucks but by means of horses can get their coal to their homes in 4 or 5 hours' time. The wood and coal worked like a team, both of which are within our reach.

As I understand it, Garrison Reservoir is to be the world's largest man-made dam. Then it becomes the largest coal deposit lost to the Indians and the State.

I am in sincere hope that this Eighty-first Congress will not overlook their desire for fair play.

Mr. MORRIS. We appreciate that statement very much, and we certainly will give most careful consideration to this most important element, the damage and the loss of this particular coal area to your people. That is an important matter and we will give consideration to it, I assure you.

Mr. LEMKE. Mr. Chairman, I just wish to call the committee's attention to the fact that these statements which are being made by these

different witnesses, I know of my own personal knowledge are their own statements and were not prepared for them.

Mr. MORRIS. I can sense that, and that is why I appreciate them so much, because they have been laconic or short, pertinent and pungent, to the point, and show originality and show a grasp and knowledge of the subject matter. They are important.

I am not saying that just to make you feel good, but your statements are universally good here this morning, and I appreciate it very much.

Mr. WHITE. Do you mine coal?

Mr. HEART. Yes.

Mr. PACKINEAU. Mr. Chairman, may I tell you a little thing that happened: Mr. Heart, in writing up his statement, was lying on the floor of the hotel to do it.

Mr. MORRIS. Well, I think the story goes that Lincoln wrote his famous Gettysburg Address on a piece of waste paper or some say on the back of a paper sack. There are all kinds of theories about it, but whatever paper he used, I think he just picked it up somewhere on the train, and wrote one of the greatest speeches ever written by a human being.

Mr. SILVESTER. Mr. Chairman, I would like to say a few words about the length of the coal bed on both sides of the valley.

Mr. MORRIS. All right.

Mr. SILVESTER. When I was chairman of the council about 6 years ago I measured with a tape measure the crook of that River Missouri from the point it enters the reservation to the point where it goes out. It is 81 miles of meandering river, and 51 miles of the Little Missouri. If you added it together and doubled it, that would be about the length of the coal seam that will be destroyed by this irrigation project.

Mr. YOUNGBIRD. I would like to say something, also, Mr. Chairman.

What I wanted to put in here, Mr. Chairman, on the qualifications of these men is that we have been busy working in our own fields for our younger men and more brighter men, who did not represent us on the other parts. We had few representatives.

When the Wheeler-Howard Act comes in, and the Indian Bureau has been knocked time and time again, the men that did not have a thing to do but go from one house to the other, were the only ones doing the knocking.

That is a little bit out of the way, but I wanted to bring that out clearly. We really cooperated. Without the Indian Bureau we would be very much handicapped in our operation.

Mr. MORRIS. All right. Thank you.

Mr. WHITE. I want to ask you a question or two here on coal.

How thick is the seam where you are mining coal?

Mr. HEART. That varies from 4 to 6 feet.

Mr. WHITE. You do not have to take any waste material to get the coal?

Mr. HEART. Not very much.

Mr. WHITE. I imagine the amount has been estimated. I see here a statement of lignite fuel for 360 families at 25 tons annually, 9,000 tons, \$54,000, and at 4 percent it would be \$1,350,000.

Is this coal uniform over all the underground reservation, so far as you know?

Mr. HEART. Well, there is quite a lot of places that it is.

Mr. WHITE. I notice you put in wood here. What percentage of the Indian families use wood for fuel and what percentage of the Indian families use coal for fuel?

Mr. HEART. Well, I believe it would be 100 percent. It takes both the wood and the coal, which work together. We use the wood to start off the fires in the morning, and to hold our fires we put the coal in. That holds the heat.

Mr. WHITE. You have vast reserves. If there were any industry started there would be plenty of fuel for industry in this section?

Mr. HEART. Yes, sir.

Mr. WHITE. I think that is all, Mr. Chairman.

Mr. MORRIS. Very well. Thank you.

Mr. WHITMAN. There is another phase of this. Quite a bit of stress was put on by our general counsel on the timber, but that was not covered here. I believe one of my colleagues, Theodore Baker, has that subject.

Mr. WHITE. As a matter of fact, the timber on the lowlands, this cottonwood, when flooded, will all die?

Mr. WHITMAN. Yes.

Mr. WHITE. Down at the Fort Peck Reservation they have not bothered to cut it down. It is just dead timber. Is that what you anticipate?

Mr. WHITMAN. Yes.

Mr. CASE. May I answer that? The plan of the engineers, which they have freely disclosed and discussed with us, is that the timber will be cleared. The bottom of the reservoir would be cleared entirely before the water covers the land.

If it is left to them—and I cover this in my brief—it will be necessary for them to simply drop the timber, bulldoze it into piles, set fire to it, and burn it to get rid of it.

Otherwise, there is so much timber that it would foul up that reservoir for a century. They must get rid of it.

Mr. WHITE. Why is it they did not do that at Fort Peck?

Mr. CASE. That I do not know.

Mr. WHITE. You know, as a matter of fact, at Fort Peck the upper part of the trees and the branches are exposed above water. They are dead. When the ice freezes, it is solid enough so that the people can go out and reclaim a part of the upper branches, and haul them off the ice. That is what is going on now at this moment, while I am talking to you.

Mr. CASE. Our plan is that if the committee will make the one amendment that the tribe asks for, to extend the period in which we can take that timber, we will take all the usable, merchantable timber. That is our right under the contract to do that.

Mr. WHITE. Do you think that is practical? Could you go in and log timber under the present conditions and find storage places to keep it? Cottonwood decays quickly. You would have to have some means of manufacturing it. Is that a practical plan?

Mr. CASE. It is. We have in view putting in a portable mill or two or three. We have an offer from the Engineer Corps at least to consider carefully the idea of their loaning us three complete portable mills that are capable of handling heavy timber.

If we succeed we would log that area, mill it, and store it on the highlands which will not be flooded. If cottonwood is properly stored it will not be deteriorated materially.

At the same time, we are going to need lumber for the reconstruction of our houses. We have the right to salvage our homes under the contract.

Mr. WHITE. That would take quite a little capital. How would you finance that?

Mr. CASE. That would be carried out of this appropriation, when made.

Mr. WHITE. If we get it in time.

Mr. CASE. If we get it in time.

Mr. WHITE. But if we do not get it in time this will all be destroyed.

Mr. CASE. We are going to lose several million dollars' worth of timber. We want a little more time. I might say, as to the logging operation itself, which is limited by the contract to October 1, 1950. That is only a year from next October. Give us a little more time and we can do it. That is only one winter to log that area. That is not time enough. If we have that date advanced by the Congress till 1952 we will have time enough to salvage that very valuable belt of timber.

Mr. WHITMAN. I would like to introduce Mr. Theodore Baker, a councilman from the Independence district, who will speak on some of the uses of the timber.

STATEMENT OF THEODORE BAKER, MEMBER OF THE BUSINESS COUNCIL OF THE THREE AFFILIATED TRIBES, FORT BERTHOLD

Mr. MORRIS. Have a seat, Mr. Baker. We are happy to have you with us, and we will appreciate your statement.

Mr. BAKER. I am duly elected by the tribe as a member of the business council of the Three Affiliated Tribes of the Independence district.

You have heard before from my associates, who have covered almost everything, but I was assigned the subject of the timber that affects our reservation.

In my district where I live, I live 65 miles from the closest town, and when this dam comes through, in order to provide for myself as a farmer or to build, I would have to go to Wadford City to take care of my needs.

Mr. WHITE. How many miles would that be?

Mr. BAKER. 65 miles, sir.

To make everything short, I believe everything has been generally covered, but it is my sincere wish that you gentlemen will give fair consideration to Joint Resolution 33.

Thank you.

Mr. MORRIS. May we ask you just a question or two about the timber there? It has been mentioned that there is cottonwood, ash, willow, and different kinds of timber. I take it that you are very familiar with the timber situation; are you not?

Mr. BAKER. Yes, sir.

Mr. MORRIS. What, in your judgment, are some of the percentages there? That is, does willow predominate, does cottonwood pre-

dominate, or does ash predominate, and will you describe the wood there?

Mr. BAKER. Cottonwood predominates.

Mr. MORRIS. Cottonwood predominates?

Mr. BAKER. Yes, sir.

Mr. MORRIS. What about ash; is there a considerable amount of ash there?

Mr. BAKER. Yes.

Mr. MORRIS. What else is there there besides cottonwood, ash, and willow; what other kinds of timber?

Mr. BAKER. Well, there are berry bushes of different kinds—three or four different kinds.

Mr. MORRIS. Are the trees good-sized trees, or is it generally small timber?

Mr. BAKER. There is some good-sized timber. It varies with the type.

Mr. MORRIS. Is there any hardwood there; is there any other hardwood of any kind there?

Mr. BAKER. Oak and ash.

Mr. MORRIS. Oak?

Mr. BAKER. Yes, sir.

Mr. MORRIS. There is no walnut and no mahogany, I guess?

Mr. BAKER. No, sir.

Mr. MORRIS. Is there any walnut?

Mr. BAKER. No, sir.

Mr. MORRIS. Are there any pecans there?

Mr. BAKER. No, sir; I do not believe there are in the State of North Dakota.

Mr. MORRIS. I love pecans. We have a lot of them in Oklahoma, and in Texas, and there are some north of Oklahoma, but I do not suppose you have any that far north.

Mr. WHITE. It is characteristic of the States of North Dakota and Montana that the timber along the streams, the saw timber, is practically all cottonwood; is it not?

Mr. BAKER. Yes, sir.

Mr. WHITE. Are there any sawmills of any kind manufacturing any timber on the reservation? Is there a sawmill on the reservation anywhere?

Mr. BAKER. Yes, sir; there is.

Mr. WHITE. They are logging this timber and making lumber out of it?

Mr. BAKER. Yes, sir.

Mr. WHITE. And there are a great many log houses along the river which are made out of felled cottonwood?

Mr. BAKER. Yes, sir.

Mr. WHITE. They make very fine buildings.

Mr. BAKER. They do.

Mr. WHITE. And if the plan is carried out to salvage this timber and log it, it will be a job for several mills; will it not?

Mr. BAKER. Yes, sir.

Mr. WHITE. It would take a lot of labor.

Mr. BAKER. That is right.

Mr. WHITE. And at the present price of labor it will be a pretty expensive job.

Mr. BAKER. Yes, sir.

Mr. WHITE. What do you pay a man that works in the woods a day now for cutting logs or things of that kind?

Mr. BAKER. I am not very familiar with that.

Mr. WHITE. I will say to the committee that in Idaho they get about \$20 a day working on a piecework basis, sawing down timber or logging it. Those who work in the sawmills get \$8 or \$9 a day. It would take quite a lot of capital to salvage this timber, put in a sawmill, and saw it up and save it before the water comes in from the dam.

Is much wood cut for fuel there?

Mr. BAKER. Yes, sir.

Mr. WHITE. It is mostly cottonwood?

Mr. BAKER. Yes, sir.

Mr. WHITE. There is not very much of the other timber you mention, such as ash and things of that kind?

Mr. BAKER. Well, I could safely say that it furnishes all of the fencing.

Mr. WHITE. Pardon me?

Mr. BAKER. I say it furnishes all the fencing.

Mr. WHITE. What do you use for posts where you build a fence?

Mr. BAKER. Ash and willow.

Mr. WHITE. Ash and willow?

Mr. BAKER. Yes, sir.

Mr. LITTLE SOLDIER. I might refer to this map and say that we provided the fence posts for practically this whole area out of our timber, and the kind used was dependent on the part of the reservation we were in. We used ash posts down in the southern part due to the fact that it is not very rough. The terrain is rougher over here [indicating], and we have cedar there.

Mr. WHITE. Do you have some cedar on that reservation?

Mr. LITTLE SOLDIER. That is right; not much, but we do have it.

Mr. WHITE. But you find enough cedar there for fence posts?

Mr. LITTLE SOLDIER. That is right, and we fenced this area [indicating on map] with cedar posts.

Mr. WHITE. They are very valuable and they last a long time.

Mr. LITTLE SOLDIER. That is right. That is about the best hardwood we have there.

Mr. WHITE. I think you have it backwards. I think the lumber people classify cottonwood as hardwood, and cedar as softwood.

Mr. LITTLE SOLDIER. Well, I am not a lumberjack.

Mr. WHITE. That is all.

Mr. MORRIS. All right; I believe that is all. Thank you.

Mr. WHITMAN. Mr. Chairman, if possible, I would like to introduce one part of it where the Indians realize revenue out of their natural resources; that is, trapping. Beaver were stressed, and although the game part was covered, I would like to ask Mr. Mahto to cover one other part, trapping.

I would like to introduce Mark Mahto.

STATEMENT OF MARK MAHTO, MEMBER OF THE FORT BERTHOLD
TRIBAL BUSINESS COUNCIL

MR. MAHTO. Mr. Chairman, I am going to stand and give you a short talk.

MR. MORRIS. All right, if that is your pleasure, it is our pleasure and we will permit you to do that.

MR. MAHTO. Mr. Chairman, I am a member of the Fort Berthold Tribal Business Council, and belong to the Mandan Tribe.

Believe it or not, I have seven names. I am carried on the rolls as Mark Mahto. According to an Indian custom, I was given four names by our Mandan chief, Old Bear, when I was old enough to be named. Out of those four names the Mandans in the district in which I live use the name Plain Voice to identify me. In councils and Indian dances I am known as Bear on the Water, a name I bought from my Uncle Thomas Spotted Wolf. Among the real old-timers, Indian men and women, I am known as Old Man Chicken Bear. These names are not nicknames. They are authentic, ceremonial, bought-and-paid-for names.

Mr. Chairman, the subject I am given to speak on is trapping. This occupation is dear to the hearts of all male adults on my reservation. We promulgate our own laws on hunting and trapping, without governmental approval and want to see it continued forever regardless of whether the Garrison Dam can stand up or not.

Trapping on the Fort Berthold Reservation is an industry that supplies food and clothing and other necessities of life to the majority of our Indian families.

This industry has a potential value of \$1,000,000. We are looking into the future—a hundred years from now—when the Indians of the Fort Berthold will have trapped 100,000 fur-bearing animals to be sold at an average of \$10 a pelt. Trapping on our reservation is essential to our very livelihood as proven by 99 percent of the male adults dabbling in furs in one way or another.

Badger, beaver, mink, weasel, fox, and coyote are some of the fur-bearing animals caught. They are taken from November to April. The muskrat is good from March to May. The proceeds from the sale of a winter's catch will often tide the Indian trapper over to harvest-time.

In fact, gentlemen, the Missouri Valley in the Fort Berthold Reservation is our social security.

These fur-bearing animals, especially the beaver, are a very valuable resource. When the Garrison Dam is filled with water, our timber will be destroyed forever which in turn will deplete the beaver population if not totally destroy it.

Gentlemen, at this time, I want to correct my attorney, Mr. Case, who said when this Garrison Dam is built and the reservoir is filled with water the fur-bearing animals will multiply, which is a mistake. I know from experience. I am a trapper, and I know what I am talking about. When the reservoir is filled with water, all of the sloughs where you find muskrats will be destroyed, and where would they go? They will go either downstream or upstream; they will leave our locality.

When this is done, one of our natural resources will be taken away from us. It took the beavers hundreds of years to build these valuable bottom lands in our reservation. It will take the Garrison Dam a few years to create a giant mud puddle.

In a few years, our rich bottom lands, which took nature hundreds of years to build, will be destroyed forever.

In conclusion, allow me to state that our reservation, the Fort Berthold Reservation, is tax-free and the property of the Three Affiliated Tribes, "as long as grass grows and water flows."

I thank you.

Mr. WHITMAN. Mr. Chairman, I would like to again extend our tribe's appreciation for the time you have provided for us and the intense interest that you have given our cause. We deeply appreciate that on behalf of our people and the council here.

Mr. MORRIS. It has been a real pleasure to have you with us, and we have learned a lot, at least I have, and I imagine the other members of the committee have. Some of them were more familiar with your problem to start with than I was, but I imagine that even they have learned something, and I have learned a lot. I assure you that it has been a pleasure to have you here, and we will give most careful consideration to this problem, and we will try our very best, as far as this committee is concerned, to act on this matter one way or the other expeditiously in the very near future, just as soon as we can complete our hearings and get a little time thereafter to act.

I hope that that will be in the very near future, and we expect that it will be in the very near future.

Mr. WHITMAN. We appreciate that.

Mr. MORRIS. We are going to try to dispose of this matter right away.

(Discussion off the record.)

Mr. MORRIS. We will recess, then, until Monday at 10 o'clock, in room 223.

(Thereupon, at 1:20 p. m., the subcommittee recessed until Monday, May 2, 1949, at 10 a. m.)

PROVIDING FOR THE RATIFICATION BY CONGRESS OF A
CONTRACT FOR THE PURCHASE OF CERTAIN INDIAN
LANDS BY THE UNITED STATES FROM THE THREE
AFFILIATED TRIBES OF FORT BERTHOLD RESERVA-
TION, N. DAK., AND FOR OTHER RELATED PURPOSES

MONDAY, MAY 2, 1949

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INDIAN AFFAIRS OF
THE COMMITTEE ON PUBLIC LANDS,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10 a. m., in the caucus room, House Office Building, the Hon. Toby Morris (chairman of the subcommittee), presiding.

Mr. MORRIS. The subcommittee will now come to order.

We will proceed with our hearings on House Joint Resolution 33.

I believe there is no particular assignment of witnesses this morning. I take it that the bulk of our testimony is behind us. We have a few more witnesses to hear from, I understand.

As is the usual custom, I am going to call on the author of the bill, Congressman Lemke, to make suggestions as to whom he would like to hear from first.

Mr. LEMKE. Mr. Chairman, I have two telegrams here I should like to insert in the record at this point, which come from people not directly connected with this, but who live in the vicinity of Garrison Dam.

Mr. MORRIS. The chairman has examined the telegrams and they will be inserted in the record at this point.

(The telegrams are as follows:)

KILLDEER, N. DAK., *April 28, 1949.*

BILL LEMKE.

House of Representatives, Washington, D. C.:

Please approve resolution H. J. 33.

KILLDEER TOWN CRIERS.

HALLIDAY, N. DAK., *April 29, 1949.*

WILLIAM LEMKE:

Approve House Joint Resolution 33 affecting Fort Berthold Indians.

HALLIDAY CIVIC CLUB.

Mr. LEMKE. Mr. Chairman, I think we should call on Mr. Provinse to give the position of the Department of the Interior. General Pick is here, however. I do not know how much haste he is in, but I think the facts would come out so that we could have his remarks afterward,

if that is agreeable. We could have any concluding remarks he wishes to make after the Department of the Interior has been heard, if that is satisfactory.

Mr. MORRIS. What do you suggest, General Pick? We could hear from you right now to accommodate you. The Department witnesses nearly always have an understanding that they have to be here for some time. I am sure Mr. Provinse would be in no big hurry.

Congressman Lemke's suggestion is that you probably would be in a better position to testify or to make a statement after Mr. Provinse than you would be before, for the reason that we realize that you have just recently been called in on this matter.

Maybe you would rather hear his testimony before you make your statement; but, if you prefer to make yours first, we would be glad to hear from you at this time.

General PICK. I would be glad to abide by whatever the wishes of the chairman are. If you want to hear him first, that is all right.

Mr. MORRIS. You can spend that much time with us?

General PICK. Yes.

Mr. MORRIS. Very well. We will hear from you now, Mr. Provinse.

STATEMENT OF JOHN H. PROVINSE, ASSISTANT COMMISSIONER, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY ALLAN G. HARPER, ASSISTANT REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, BILLINGS, MONT.; AND SAMUEL J. FLICKINGER, ASSISTANT CHIEF COUNSEL, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C.

Mr. PROVINSE. Mr. Chairman, the committee already has the report of the Secretary.

Mr. MORRIS. Yes, sir.

Mr. PROVINSE. Which was accompanied by a fairly long memorandum of information which has now been printed by the committee as Committee Document No. 1 in very convenient form.

I think it might be worth while for the Department to summarize what is contained within this letter and supporting memorandum.

I have with me today the two people who have been most responsible for the preparation of our report, Mr. Allan G. Harper, assistant regional director in the Billings office, also in charge of the Missouri Basin surveys, and Mr. Sam Flickinger from our legal office in the Washington office, who has handled principally the legal aspects of the problem.

I think it might save the time of the committee if I could ask both of those gentlemen to join me here at the table so that if there are questions which come up they can contribute their knowledge at the same time.

I think that will save the committee the necessity of calling additional witnesses.

Mr. MORRIS. That is definitely all right, and I think that we should follow that arrangement of witnesses.

Mr. PROVINSE. I shall touch only briefly on the contract, which is the first part of the joint resolution, section 1. I would prefer to con-

centrate my remarks on sections 2 to 11, which contain the provisions for supplementary compensation.

In my view, the contract successfully resolves a large number of issues which have vexed a solution of the problems arising out of the taking of 155,000 acres of the Fort Berthold Reservation for the Garrison project.

1. The contract contains the logical provision (art. XIII, which will insure sufficient money to carry out fully the purposes set forth in Public Law 296. If it should prove that the financial requirements for paying for the appraised valuation of the property and for paying for removal costs (including removal of graves) should exceed \$5,105,625, the United States is committed to defray the cost in excess of that amount. This provision resolved the dispute between the Corps of Engineers on the one hand and the Indians and the Indian Bureau on the other hand as to the justness of limiting the settlement for these costs to an arbitrarily fixed amount—namely, \$5,105,625—fixed prior to the time when these costs could have been realistically determined.

2. The contract insures (art. V) an orderly removal of the Indians from the taking area of the Garrison Reservoir, with removal costs defrayed by the Government. This provision recognizes that the complete cost of removal ought to be borne by the Government. In similar removal cases in the past, Indians often have been incapable of accomplishing their own removal. Compelled to expend their compensation on removal costs, they had too little to acquire comparable lieu property. If they were deterred from acquiring new homes, they used up their compensation on living expenses, and had little or nothing left for either removal or resettlement.

3. Article IV, section 3 of the contract protects the constitutional rights of the tribe and of individual Indians to reject the appraisal placed on their property in accordance with the procedure set forth in article IV. I consider that this provision is a very necessary guaranty of the Indians' rights to secure judicial determination if they are not satisfied.

4. The Indians are adequately protected by article X as to their right of access to the waters of Garrison Reservoir and to the area between the taking line and the actual water line of the reservoir. Their hunting and trapping treaty rights are to be protected fully within the taking area, but they have very reasonably agreed to forego their treaty fishing rights in the interest of conserving the fisheries resource which will be created in Garrison Reservoir.

5. The salvage provisions contained in article XI of the contract are generous ones. Without payment, the Indians are to be permitted to remove their homes and other improvements. They will also be allowed to salvage the standing timber within the taking area, similarly without making any payment therefor.

6. The contract goes beyond the requirement for paying for any existing minerals in the taking area and guarantees that if, in the future, any subsurface deposits are discovered, the Indians' interest therein will be protected (art. XII).

7. The contract contemplates a speedy distribution of the moneys paid to the Indians by the superintendent of the reservation under rules and regulations to be issued by the Secretary of the Interior. In

this, it is hoped no undue delay will be experienced in getting the money out to the Indians for useful and necessary purposes once the contract is approved (arts. VII and VIII).

While the contract, as a whole and in its several articles, is a good one, it does not provide a complete settlement nor does it resolve all of the problems which are involved. Sections 2 to 11 of the joint resolution attempt to deal with these residual questions. Attention is focused on three principal provisions which add materially to the contract settlement: (1) The appropriation authorization of \$3,000,000 to establish a land readjustment fund, (2) the appropriation authorization of \$6,500,000 for additional compensation, and (3) the reservation of 20,000 kilowatts of Garrison electric power for the Indians and the commitment of the United States to build the necessary transmission and distribution system.

I should like to deal at some length with each of these three additional items of compensation.

1. Land readjustment fund (\$3,000,000): You will recall that, under a previous proposal, the removal of the Fort Berthold Indians was to have been effected through the selection and offer of lieu lands, "comparable in quality and sufficient in area." The proposal proceeded from a recognition of the fact that after you take away the river bottom lands of the reservation, the Indians have remaining in their ownership some 437,000 acres of mostly upland summer range lands.

Now, under the present settlement, it is contemplated that the majority of the removed Indians will have to readjust themselves to these residual upland range lands. Leaving aside the question of making the necessary land use readjustments in relation to their cattle industry, it is very clear that they can move successfully to the residual lands only if they can speedily readjust the pattern of ownership which will enable them to create economic units of use. All of these residual lands are allotted, with the ownership distributed widely among the members of the tribes and among heirs of the original allottees. No allotments of these range lands exceed 320 acres, but as we well know, a ranch lay-out in that country requires around 2,500 acres.

The proposal to set up a land readjustment fund to be used in assisting the Indians in consolidating their allotted and heirship holdings into units of economic use, I think, is a necessity, indispensable to any plan to relocate the Fort Berthold Indians. I do not regard this proposed appropriation authorization as a real element of "compensation"; it is rather a requirement arising out of the problem of successful relocation.

Of course, given time, the Indians could, with very much smaller financial assistance, effect voluntary exchanges and purchases of land to bring about consolidation. But there simply is not time to do the job on a voluntary basis. If this task of consolidation is not accomplished at the time of removal, I am afraid it will never be accomplished. I clearly foresee that the Indians will, because of this barrier of land tenure, occupy the residual lands in only a small number. The majority of them will, I fear, drift off reservation to settle in the cities and towns, not as real members of such communities, but as squatters in tarpaper shacks outside the city limits. We have too much of that sort of thing already, and I am sure that you will agree with me that we should do everything in our power to avoid a repetition.

Section 2 of the joint resolution authorizes an appropriation of \$3,000,000 to establish the land readjustment fund. The fund is to be administered by the Commissioner of Indian Affairs, and its operation terminated at the end of 10 years. Any unexpended balance in the fund at the end of the 10-year period is to be returned to the Treasury, and any land which has not been deeded to members shall be held by the United States in trust for the tribes and shall be nontaxable and nonalienable until otherwise provided by Congress. Section 3 elaborates the purposes and operations of the fund: It is to be operated to consolidate the allotted lands into economic use units. Allotted, inherited, and unrestricted lands, as well as interests in lands and improvements, may be acquired by purchase or exchange by the fund which can, through sale or exchange, dispose of such lands to individual Indians. Proceeds derived from the Garrison land taking may be used by individual members of the tribes to acquire lands purchased or otherwise acquired by the fund. To care for needy members, the fund may take lands in tribal ownership for assignment to such persons.

It is visualized that the fund would be used to acquire a stock of lands within the reservation boundaries (1) to purchase lands in the residual reservation from Indians who want to relocate outside of the reservation. By adding together compensation derived from sale of land in the reservoir right-of-way to the proceeds derived from the sale to the fund of land in the residual reservation, an Indian family would have more adequate means of buying a new farm or ranch, and/or going into some other economic enterprise. (2) To purchase lands in the residual reservation either from Indians or white patentees in order to block up consolidated, family-sized, economic units for farm or ranch purposes. (3) To acquire tribal lands for assignment to landless Indians who must remove from the right-of-way. (4) To sell or exchange acquired lands to Indians or white.

We estimate that it will take a little more than \$3,000,000 to set the fund in operation—\$3,099,345 to be exact. The detail is contained on pages 18-19 of the memorandum which accompanied the departmental report on the joint resolution.

2. Appropriation authorization of \$6,500,000: We come now to that section of the joint resolution about which I feel sure the committee wishes to be very certain, not only as to whether the specific amount is excessive, but also as to whether the amount is sufficiently adequate.

Admittedly the Congress would be breaking new ground in Indian affairs by the enactment of section 4 of the joint resolution. It would be cutting loose from the tradition that, in settling claims for the breach of an Indian treaty, the Government leaves the reckoning up to the Court of Claims. It would be settling a precedent that the time to settle such a matter is when the damage is done.

I am very sure in my own mind that this would be a salutary reform in Indian affairs. We have frequently seen all too clearly the ravages wrought on whole Indian tribes as they waited and hoped for Court of Claims awards. We have seen the results of the festering sense of injustice. I am quite sure that, unless Congress adopts the proposal before it in section 4, we are, in the years ahead, going to reap another harvest of tribal resentment and noncooperation.

Mr. MORRIS. Pardon me just a minute there, Mr. Provinse. Do you mean article IV or section 4?

Mr. PROVINSE. Section 4, I think it is.

Mr. MORRIS. Of what article?

Mr. PROVINSE. Section 4 of the whole bill, which would be on 70 and 71. It begins at the bottom of page 70.

Mr. MORRIS. Let us identify that. That is section 4 of what article?

Mr. PROVINSE. Section 4 of the bill. The contract terminates on page 69. Then section 2 begins the new sections that I am talking about.

Mr. MORRIS. That is right. Up to that time it is best identified by articles, but that terminates the contract.

Mr. PROVINSE. That is right.

Mr. MORRIS. Very well. Proceed.

Mr. PROVINSE. The basis of the proposed appropriation of \$6,500,000 is that a complete and final settlement will be affected—section 9 of the joint resolution—in consideration of the virtual destruction of the reservation guaranteed by the Treaty of 1851, and in consideration of the tribe's constitution which granted the power to veto alienations of tribal land. (27,729 acres.)

It is difficult to determine the intangible damages of this character.

We in the Indian Bureau have preferred to approach the problem by evaluating two categories of measurable and justified compensation, namely—

1. Compensation for losses of property which will not be covered under fair market value in the settlement under the contract.

2. Compensation adequate to cover the costs of social and economic needs arising directly from the disruption of the life of the Fort Berthold Indians on account of the taking of their lands for the Garrison project.

In the memorandum which accompanied the departmental report on the joint resolution, we have set out at length our analyses, estimates, and justifications of these two bases of calculation. By our reckoning, we have seen at least \$6,440,400 that should be appropriated. It is our conclusion that the amount proposed—\$6,500,000—is not excessive, but rather that the amount, if anything, could be pushed up to a higher figure. However, I am of the opinion that if you are prepared to include section 5 which reserves a block of power, which I shall presently discuss, the amount may be safely left at \$6,500,000.

To return now to a consideration of the first basis of calculation, namely, compensation for losses of tangible property which will not be covered by payment under the contract of May 20, 1948: We believe that on this score alone, three legitimate claims should be recognized, totaling \$3,291,043.

(a) Compensation for the loss of the future supply value and supplemental value of standing timber, not covered by contract appraisal: Under article IV, section 1 of the contract, the Fort Berthold Indians are to receive the appraised value of standing timber on a fair market value basis. Payment on this basis does not represent the real tangible value for its future supply utilization, as well as for its continued use year after year for house logs, fuel, and fence posts. The economic function of the timber stand in the life of the tribes makes it far more valuable for these uses than is represented by its fair market value. With the taking of the bottom lands, the timber stand will be

irretrievably lost. The timber within the taking area furnishes the proper environment for recreational areas for the Indians, for wildlife habitat and for many fruits, such as June berries, wild plums and grapes, choke cherries, and buffalo berries. The timber also moderates the local climate and furnishes protection to the Indians and their livestock.

The Fort Berthold Indians are entitled to participate in the stumpage values which would be almost sure to increase as the supply of local timber decreases. It will be necessary in the future to secure timber products from a distance with much higher transportation charges. The Indians have a right to anticipate these future supply values which are inevitable. The taking of their land deprives them of the opportunity to realize the benefits of future increased values.

In addition to the increase in the value of the merchantable timber the natural reproduction, which will produce merchantable material in a few years, has a substantial value comparable to the capitalization of the cost of forest plantation. The Indian Service authorizes a valuation of \$3 to \$4 per acre for young hardwood growth. This valuation might be reduced on the Fort Berthold Reservation since some of the larger young growth suitable for fence posts will be included in the appraisal of the fair market value of the standing timber.

These future supply and supplemental values are estimated as at 330,000 as follows: 20,000 acres timber at \$2 per acre, future supply value \$40,000; 20,000 acres young growth at \$2 per acre, \$40,000; 20,000 acres recreation value, at \$2 per acre, \$40,000; 35,000 acres timber and brush, at \$2 per acre, wildlife habitat value, \$70,000; 35,000 acres timber and brush, at \$2 per acre, wild-fruit value, \$70,000; 35,000 acres timber and brush, at \$2 per acre, protection value, \$70,000; total \$330,000.

(b) Compensation for the factor of irrigability of certain lands in the taking area, not covered by the contract appraisal: The appraisal of lands, to be undertaken under article IV of the contract will not include any claim for compensation on account of potential irrigability of certain lands within the taking area. However, in 1942 the United States Bureau of Reclamation made a survey of irrigable potentials of the Fort Berthold Reservation (Report on Missouri River Investigations—North Dakota, South Dakota. Missouri-Souris Project and Potential Units. Investigations Report No. 66). This report and subsequent surveys of the Bureau of Indian Affairs substantiated the fact that the following acreage is suitable for irrigation and meets all the necessary requirements: Shell Creek unit, 4,500 acres; Independence unit, 4,130 acres; Fort Berthold unit, 9,400 acres; Old Agency unit, 6,510 acres; total, 24,540 acres.

Questions of soil adaptability, water rights, topography, and feasibility have been determined and conclusions are that irrigation of these lands, to be taken from the Fort Berthold Indians for Garrison Reservoir, is practical. It is estimated that the irrigable potential increases the value of these 24,540 acres by \$10 per acre. This would result in an amount of \$245,400.

(c) Compensation for the severance of the Fort Berthold Reservation into five residual segments through the taking of the reservation's bottom lands: Although damages for the severance of individual tracts of land are provided in article IV, section 1, of the contract, no compensation is provided therein for the severance of the reservation as

a whole. It must be remembered that the original Fort Berthold Reservation contained 12,500,000 acres and that it was successively reduced to its present boundaries by a series of statutes and Executive orders. The Garrison Reservoir will take the best of the lands remaining in the ownership of the tribes—the heart of the reservation. The bottom lands to be taken represent a complex of valuable characteristics—shelter for homes and livestock, easily developed water, winter pasture, plentiful wild fruit supply, and game in abundance. Taken in conjunction with the upland range, an almost perfect balance of the lands exists in the present reservation. The lands remaining on the reservation will have a definite diminished value. But no account is taken of this fact in the settlement provided by the contract. An estimate of this uncompensated loss is as follows:

Value of reservation before taking: 583,283 acres at an average price of \$25 per acre—these per-acre values I am giving you are based on the current land sales in the area—583,283 acres at \$25 per acre, which does not include 9,439 acres of accretion, \$14,582,075.

Value of remainder after taking: 437,024 acres at an average price of \$18 per acre. In other words, that is a \$7 reduction in the acre value due to the taking of the good lands. That will give you \$7,-866,432 for the value of the residual reservation.

That gives a total damage of \$6,715,643.

From that has been subtracted the appraised value for which they will be compensated under the contract. That appraised value, which at the present time must remain an estimate, is \$4,000,000, which leaves a total severance damage balance of \$2,715,643.

I come now to a consideration of the second basis of calculation, namely, compensation for meeting the costs of social and economic needs arising from the destruction of the life of the tribes by the Garrison Reservoir.

The contract of May 20, 1948, provides for the payment of the Indians' costs in removing from the Garrison right-of-way, for costs of developing water supplies and fencing on the residual reservation, and for costs of removing cemeteries. It does not provide funds to enable the Indians to reestablish their shattered economy. Nor does it deal with the problem of those Indians who are to leave the reservation or with the basic fact that, on their diminished land resource, a substantial portion of the tribes must seek to leave the reservation in the future. When viewed from this perspective on the total effect of the Garrison project on the Fort Berthold Indians, there is sound justification for extending substantial aid to them by providing additional compensation for economic and educational programs. Those Indians who remain on the residual reservation and who wish either to remain in, or get into, the livestock business will have insufficient funds to do so, even after their land bases have been reestablished through the land-readjustment fund, as provided by sections 2 and 3 of the joint resolution. Around 90 percent of those who expect to remain on the reservation fall in this category (200 families).

The 49 families who wish to leave the overcrowded residual reservation should be encouraged to do so, but without financial assistance, it is doubtful that very many of them will be able to take this step. Finally, it is very important to note that the compensation to be derived from the taking of the allotted lands will generally go to the

older members of the tribes, or that it will be distributed widely in small amounts to heirs. This result will naturally follow from the fact that the taking area closely blankets the first and oldest schedule of allotments made in 1895. No conformity between compensation and need can be expected. Yet 300 families will have to move and get reestablished economically. From this analysis it is possible to describe two categories of economic need: financial assistance to establish the Fort Berthold people in the livestock business on the residual reservation, and financial assistance to assist members of the tribes to leave the reservation to engage in small business or to acquire homes in relation to definite employment opportunities.

The reduction of the Fort Berthold Reservation through the taking of the best part for the Garrison Reservoir means that within a relatively short time the residual reservation segments will be brought completely into use, with insufficient resources left for the resident population to make a living. A trend to diminish the reservation population should be given impetus, and the only practicable way to achieve this would be by giving the younger generation a considerably expanded opportunity for technical, professional, and vocational training.

An expression of these social and economic needs is as follows:

(a) Assistance to 175 families (or one-half of the expected reservation population) by agricultural and livestock loans, averaging \$12,000 per family, based on the Indian Bureau's experience in administering the IRA revolving credit fund, \$2,100,000.

(b) Assistance to 50 families by small business and/or real-estate loans, averaging \$15,000, \$750,000.

(c) For assistance to an average of 20 young men and women annually averaging \$1,500 per year for 10 years, \$300,000.

Total, \$3,150,000.

3. Reservation of block of power at Garrison Dam: Section 5 sets aside a block of at least 20,000 kilowatts of Garrison electric power, when developed at Garrison Dam, to be delivered at one or more points on the Fort Berthold Reservation, as it may be extended, at a rate not to exceed 2 mills per kilowatt-hour, for uses on the reservation for the benefit of tribal and other enterprises, and for individual members of the tribes. Any of the reserved power not used may be used by the United States.

The Department of the Interior, as you will see from the departmental report, is not prepared to endorse section 5 in the form in which it is written in the joint resolution. A substitute section has been suggested which would drop the 2-mill stipulation for a provision which would make the power available at the "lowest wholesale rate." The substitute section proposes, also, to commit the United States to constructing without cost to the Indians a transmission and distribution system on the reservation.

First, as to the justifications of the inclusion of this section: It must be admitted that there is no direct relation between this provision and any direct or indirect damage done to the Fort Berthold Indians by the construction of Garrison Dam. Its inclusion, however, is warranted from three viewpoints: (1) It would be desirable to extend the benefits of electrification to the Fort Berthold Reservation. The tribes are being required to make extensive sacrifices in

public interest, and it would be only equitable that provision should be made to give the tribes a share of the general benefit to be derived from the Garrison project. (2) An element of additional compensation, in view of the analysis of the \$6,500,000 appropriation. In our view the \$6,500,000 is barely enough to cover losses of property not to be compensated and to meet the Indians' social and economic needs. The addition of this provision in the joint resolution would remove all doubt that this settlement as a whole is complete, final, and just. (3) As a means of effecting rehabilitation of the tribes.

We have recommended that the 2-mill provision be dropped, because it would introduce a preferential rate, contrary to sound public power policy. The cost of constructing a transmission and distribution system has been estimated at \$2,500,000.

In conclusion, viewing the joint resolution as a whole, a summation of the benefits and appropriations therein is as follows:

Section 1: Contract (minimum) \$5,105,625.

Sections 2-3: Land readjustment fund, \$3,000,000.

Section 4: Indemnity, \$6,500,000.

Section 5: Block of power (estimate), \$2,500,000.

Total, \$17,105,625.

Amendments in our report.

That concludes all the formal report I would like to make.

Mr. MORRIS. Let me interrupt you just a moment off the record.

(Discussion off the record.)

Mr. MORRIS. You may proceed.

Mr. PROVINSE. Our report makes suggestions for a dozen amendments. Most of these are editorial or simply clarifying in their content. There are one or two, however, that might bring up some discussion.

Mr. MORRIS. What page are you referring to?

Mr. PROVINSE. It is page 9 of this report. Would you wish that I run through these and enter them?

Mr. MORRIS. Yes. It will not take long.

Mr. PROVINSE. I think it should not take long.

Mr. MORRIS. Very well. You might just run through those.

Mr. PROVINSE. On page 20 of the joint resolution, line 18, strike out the first "east" and insert in lieu thereof "west."

On page 69, line 11, the word "land" should be capitalized.

On page 69, line 12; page 70, line 4; and page 72, line 2, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative."

Again on page 69, line 16, the second "d" should be deleted from the word "period."

On page 70, lines 12 to 14, strike out the sentence:

Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section.

On page 70, line 25, strike out the word "all" and insert in lieu thereof the words "any and all claims which they may have for."

On page 71, line 2, insert before the semicolon the following words: "by reason of the construction and operation of Garrison Dam and Reservoir Project, North Dakota." This correction, Mr. Chairman, or this amendment is to take care of the criticism that has been leveled at this bill that this is a settlement for all claims of the Fort Berthold

Indians for all times. It is intended to be only a settlement for the claim for the taking of the Garrison Dam. This language brings that out.

On page 71, line 2, insert after the word "the" the words "disregard or" so that that would read "for the disregard or abrogation of section 5."

On page 73, lines 1 to 8, strike out the following:

within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future.

Insert in lieu thereof the following:

for any Indian individual or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction.

On page 73, lines 22 and 23, strike out the date "July 31, 1947" and insert in lieu thereof "May 20, 1948". That is to substitute the date of approval of the contract for the legislation which was originally adopted on July 31.

On page 74, lines 7 to 12, strike out the colon and the remainder of the section and insert a period after the word "Tribes".

On page 74, line 15, after the word "when" insert the following words "accepted by the Tribal Business Council of the Three Affiliated Tribes and".

The following new section should be added for clarifying purposes, which would become section 12:

Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereafter authorized by law for the sale or exchange of lands owned by such tribes or members thereof.

I should also call attention to the fact that on page 8 of our report there is a substitute section 5 to replace the section 5 on power as it now appears on page 72.

I would ask that the section 5 contained in the Secretary's report to the committee, and appearing on page 8 of the Committee Document No. 1 should be substituted on page 72 for the present section 5.

Mr. MORRIS. I do not think you need to read that because we will have to give this study a little later anyway.

Mr. PROVINSE. Probably not.

Mr. MORRIS. I know what the substance of it is. We will have to go over that later.

Mr. PROVINSE. I think there is nothing more of a formal nature to present. If there are any questions I would be glad to try to answer them.

Mr. MORRIS. There will be some questions, I am sure. I was just wondering whether we should proceed. We want to be sure that the general is not required to be called back. I know his time is valuable.

Would you like to make your statement now, General? We do not want to ask Mr. Provinse the other questions, since maybe we should hear your statements now, to help conserve your time.

**STATEMENT OF MAJ. GEN. LEWIS A. PICK, CHIEF OF ENGINEERS,
DEPARTMENT OF THE ARMY; ACCOMPANIED BY JOSEPH KIMBEL,
CHIEF COUNSEL, OFFICE OF THE CHIEF OF ENGINEERS, DEPART-
MENT OF THE ARMY**

General PICK. I would be glad to do so, Mr. Chairman.

Mr. MORRIS. Very well, sir.

General PICK. Mr. Chairman, Mr. Joe Kimbel, our principal attorney in the Office of the Chief of Engineers, is with me. He was directly responsible for coordinating and drafting the contract which is a part of the resolution and is familiar with the entire matter up to date, as it has been handled by the Office of the Chief of Engineers, where this matter has been handled.

Mr. MORRIS. Very well. Proceed.

General PICK. In reference to the resolution I would like to make this statement, Mr. Chairman: As you know, a contract was drafted and was approved by the Secretary of Indian Affairs, the Chief of Engineers, and the Fort Berthold Indian Council. That contract has been referred to the Bureau of the Budget, and on the 29th of March 1949, a letter was written to the Bureau of the Budget which I shall read:

Reference is made to your recent request for the views of this Department with respect to House Joint Resolution 33, Eighty-first Congress, a joint resolution "Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes."

The primary purpose of House Joint Resolution 33 is to provide ratification by Congress of a contract with the Three Affiliated Tribes of the Fort Berthold Reservation providing for conveyance to the United States of Indian lands within the taking line of Garrison Reservoir, and for the use and distribution of the fund of \$5,105,625 previously authorized to be deposited to the credit of said tribes. In addition, sections 2 to 8 would provide substantial additional benefits to the Fort Berthold Indians.

The contract of May 20, 1948, was negotiated by the Chief of Engineers and is believed to provide a fair and equitable basis of settlement with the Indians for that part of their lands which must necessarily be taken for the Garrison Reservoir project, and the Department recommends early ratification of said contract. The additional benefits proposed in sections 2 to 8 of House Joint Resolution 33 cannot be justified as compensation for the Indian lands now being taken, nor as a proper charge against flood-control appropriations. This Department is not in a position to state whether there are other considerations warranting the provision of these additional benefits.

Ratification of the contract will result in Federal expenditures of approximately \$6,500,000. Sections 2 to 8 would authorize additional expenditures of about \$10,000,000.

This report has been coordinated among the departments and boards in the National Military Establishment in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

That is the letter which was prepared and forwarded to the Bureau of the Budget, but up to the present time we have not received any reply to it.

Mr. MORRIS. Who is the author of the letter, General?

General PICK. That letter is prepared for the signature of the Secretary of the Army.

Mr. MORRIS. It has actually been transmitted but you have received no reply?

General PICK. That is correct.

I think, Mr. Chairman, that practically all the information which the Corps of Engineers has is now included in the resolution. That is, the contract which was worked up.

An agreement has been reached, and we are in agreement with the Bureau of Indian Affairs and the Fort Berthold Indian Council on the contract as written.

The other features of the resolution which have been discussed here this morning are matters which we consider do not come within the responsibilities of the Chief of Engineers in connection with this flood-control project. They are matters which we consider were provided for in the Civil Functions Act of 1948, in which it was stated that \$5,105,625 was set up to purchase the lands, and to do certain other work up there on the reservation.

The other features of the law indicate that notwithstanding the said act or other provisions of this act that the said Three Affiliated Tribes may bring suit in the Court of Claims, as provided and so forth, on account of additional damages.

I presume that that is the basis for these additional claims in the resolution.

That is about all that I have to say, sir. I would be glad to answer any questions that may be asked. If I cannot answer them I am sure Judge Kimbel could.

Mr. MORRIS. Very well. Congressman Lemke, do you want to ask the general some questions?

Mr. LEMKE. Yes; I just want to clear up some matters.

General, I think we generally concede that this additional legislation is a matter for Congress rather than for the Corps of Engineers or even for the Bureau of Indian Affairs. That is, Congress must finally determine what is just to these Indians because we are breaking and violating a treaty. They are our wards, to begin with. We are responsible to see that they are going to live, regardless of any damage or land taken.

Would you say that that is a correct statement?

General PICK. I think we have carried out the responsibility that Congress imposed upon the Chief of Engineers when we formulated and got agreements on the contract as included in the resolution.

Mr. LEMKE. In the resolution which has been accepted, although with a gun at their heads, we may say, by the Indians. It was not because they wanted to give up. We had an awful time, as you know. Some said they would stay there, and that you could flood them and drown them and that they would never move.

Nevertheless, because of the importance of the project, the Indians were finally convinced that they had no redress and that they had to sign and depend upon the damages awarded in the original contract with that clause that they can appear before the courts or Congress.

There is nothing there which prevents them from coming to Congress.

As I recall it, the chairman over on the Senate side, where they had a similar resolution before them, decided that there would be no ratification by the Senate, at least the old Senate, until a final settlement were provided, and a final agreement of settlement.

Now, I would like to consider this question of the Indians being our wards. Let us talk about that just a minute.

Is it not true that unfortunately what the dam takes is the heart of what you might call a factory, a factory that kept these 2,000 Indians alive? It takes the heart of it. To me it is the same as going down to condemn General Motors and paying for the machinery in there just as junk. That is all it is, after you take it for another purpose. Then you could let them have the four walls. General Motors would stand a far greater loss than the value of the iron you were taking. They would lose their plant. They would lose the heart of their plant.

We feel, and the Bureau seems to feel with us, that that is correct.

Now we are going outside and taking care of our wards in House Joint Resolution 33.

I am in full accord that your duty is done and has been completed in that contract. What Congress does in connection with the rest of it is not under your jurisdiction, or not so much your concern, but it concerns Congress. Am I right or wrong?

General PICK. That is correct, sir, but I want to correct one statement.

Mr. LEMKE. All right. I will be glad to have it.

General PICK. Neither I nor any member of the Corps of Engineers nor anyone else has held any gun to anybody's head at any time to make them sign anything.

Mr. LEMKE. But the construction was going on. I am using that figuratively.

General PICK. I just wanted to clear that point up, sir.

Mr. LEMKE. But it was. In fact, I think at one hearing, if I read the reports right, the Indians were pretty rough with you.

General PICK. Not with me. I have always gotten along very well with the Indians. I have a lot of good friends up there.

Mr. LEMKE. I believe the report said that when they got up there they said that the Government had broken every promise it had ever made, that they had no confidence in any promise that would be made in the future.

General PICK. I would not know whether they would be talking to me or not.

Mr. LEMKE. That remark was made in your presence. was it not, or the substance of it? I am not trying to quote it.

General PICK. I do not recall exactly what was said, but I know that when the subject was first broached to the council up there that the council did not understand it and did not want to agree to anything up there.

Therefore, I saw the necessity for doing everything possible to explain to them and to furnish them all the information that we had available, and we worked very closely with the Indian Affairs people in order to get that information to the affiliated tribes.

I believe that our dealings with the Indians up to the present time have been very cordial, and I have received, and I am sure that the other people in the Office of the Chief of Engineers have received very cordial treatment from the Indians and from the Bureau of Indian Affairs people who were interested.

We have endeavored to work out a contract which would be an acceptable contract to the three parties, and although I had no part in it that was accomplished here in Washington.

Mr. LEMKE. I may say, General, they were in my office a great deal. General PICK. Then you are familiar with it.

Mr. LEMKE. I am very familiar with it. The relations between you and them have been very good, and their estimation of you is of the highest. However, you also informed them that the dam was going to be built, that there would be water over their homes. I am not saying it in the exact words, but that was the understanding given to them. They had no other recourse. They knew they had to get out.

I do not think there was a single family there which would voluntarily leave. I know of none. I think I know that reservation very well. I have been up there several times.

General PICK. I am sure you know the reservation.

Mr. LEMKE. I am sure there is not a single family which wants to leave on its own, but I am sure, also, that I did the same thing that you did. I told them it was an accomplished fact, and they would have to leave or be drowned. Under those conditions there is no recourse for them. They have to get off, or else they will be taken off by eminent domain. You would not take them off, but the authorities would take them off.

I am just trying to bring out the fact that it was not a voluntary surrender of their property any more than the white people have surrendered their property. A lot of the white people out there are going to the courts with you.

General PICK. You see, Mr. Lemke, our responsibility is to carry out the directions of the Congress.

Mr. LEMKE. I know.

General PICK. And furnish the services that the Congress directs. I do not consider that I am personally doing anything. I consider that I am carrying out the wishes of Congress in accordance with law.

Mr. LEMKE. I agree with you. Then, it is Congress' responsibility, also, to carry out its part with the Indians and to see that full justice is done. Not only legal justice should be done, but the moral obligations should be met. We should not tear up into scraps of paper the treaties, and to throw the treaties aside as scraps of paper, although the Supreme Court said we could do it. However, in every decision they have warned us to be careful to see that complete justice is done. I am sure that with that you would find no fault, knowing you as I do personally.

General PICK. I am a great believer in everyone getting justice, sir.

Mr. LEMKE. I think that is all that I have at this time, Mr. Chairman.

Mr. MORRIS. I believe I have no questions, General, at this time. I appreciate very much your taking your time to come here and giving us the benefit of your statement.

Mr. FLICKINGER. May I ask a question of General Pick?

Mr. MORRIS. Yes; you may.

Mr. FLICKINGER. General, you made the statement that any additional compensation of the Indians was such that the Indians had the right to go into the Court of Claims, I believe; did you not?

General PICK. That is what I understand. That is the Civil Functions Act of 1948, which provided that, sir.

Mr. FLICKINGER. I call your attention to article I, page 4 of the joint resolution which embodies the contract, wherein the provision is recognized in this contract that not only may they go into the Court of Claims, but they may petition Congress for additional relief legislation, or both. So the Corps of Engineers knew that the Indians desired to endeavor to have this thing settled by Congress, as well as to go into the Court of Claims. That is incorporated into the contract.

General PICK. That is in the contract, but that has not been adopted, as I understand it.

Mr. CASE. That is in the statute.

Mr. FLICKLINGER. No; the statute provides that they can go into the Court of Claims.

General PICK. I was quoting from the statute.

Mr. FLICKINGER. We provide, however, in the contract which is signed by your predecessor with reference to the Indians coming before Congress to settle this damage, in addition to the provisions providing in the contract recognition of the intangibles which were not, insofar as the Indians were concerned, settled in the contract.

Of course, the act itself specifically indicates that this damage—this \$5,000,000—was not probably in itself sufficient to take care of the losses that the Indians would sustain.

General PICK. That is correct, but I was quoting from the law, sir.

Mr. FLICKINGER. I just wanted to point out that it is in the contract.

General PICK. It is provided for in the contract and in article I.

Mr. FLICKINGER. Yes.

General PICK. That is what the hearing is being held on now, as I understand it, sir. We endorsed the contract.

Mr. LEMKE. The contract has been endorsed by you and the Department and the Indians subject, however, to that particular paragraph.

General PICK. That is a part of it.

Mr. LEMKE. It is a part of it.

General PICK. Yes.

Mr. LEMKE. But it has not been ratified by Congress.

General PICK. No, sir. I was merely quoting from the law. Are there any other questions?

Mr. MORRIS. I think that was a very wise provision in the contract. At least, it seems to me it was well to put that into the contract. I have had a lot of experience in matters of condemnation as a lawyer and as a judge for a number of years, and quite often values are overlooked by all parties, even those who are interested, and especially is that true, in my judgment, with the removal of a tribe of Indians, where the treaty is admittedly violated, which might involve some elements of damage that no one could see at the time.

In other words, the subject matter with which you were dealing was of such a nature that that provision was, in my judgment, a very wise and proper provision in the contract.

So, I am glad to know that you had the foresight to put such a provision in the contract. I think you were acting not only within the scope of your authority, but I think with wisdom, and certainly with the thought in your mind, evidently, of justice, when you agreed to such a provision.

General PICK. We felt that it was the intention of Congress to settle this matter; and, if it were not settled within the limitations of the contract, they provided other ways of settling it, and that was when they put in there the authority to enter the Court of Claims.

The contract has been worked out. It has been signed and agreed to. We are in hopes that it will receive favorable consideration by the Congress when it is formally considered.

Mr. LEMKE. That should be done as rapidly as possible because of the uncertainty, as it is at present. Am I right in that?

General PICK. I think so; yes.

Mr. MORRIS. That certainly is the purpose that this subcommittee has in mind. We hope to make as full and fair an investigation of this matter as we possibly can, and we hope to move this matter along as expeditiously as we can.

General PICK. Yes.

Mr. MORRIS. We shall try to accomplish that objective.

General PICK. Yes, sir.

Mr. MORRIS. Thank you a lot, General.

General PICK. Thank you very much, sir.

Mr. MORRIS. I believe that we might now go into questions with Mr. Provinse. Congressman Lemke, do you have some questions to ask?

Mr. LEMKE. Yes; I have a few questions. One question especially brought out by Congressman D'Ewart is about nontaxability.

Suppose that some lands are bought outside the present reservation, or exchanged. Just what would be your limitation there?

Suppose that one of these Indians would go into the city of Minot and buy a lot. I think Mr. D'Ewart is right when he says that he will run into a lot of headaches.

Have you any suggestions as to how to eliminate that? Would you say "with the consent of the county commissioners"? Would you have any objection to that?

I wish that Mr. Case would also listen in, because it is a serious question we will have to meet.

Mr. PROVINSE. May I go back and distinguish two different types of things here?

Mr. LEMKE. Yes; I wish you would. That is why I am bringing it up.

Mr. PROVINSE. On page 70 of the bill, section 3, there is the authorization for the \$3,000,000 for the land-adjustment funds.

If you will look at line 7, you will see that all funds to be expended under that authorization will be for lands located in the Fort Berthold Reservation. That is page 70, line 7.

In other words, the expenditure of money we would get for the land adjustment would be for blocking up lands within the reservation, so that Congressman D'Ewart's query does not go to how we might spend the additional \$3,000,000. It goes back wholly to what the Indians, themselves, would do with their money that they might get under their contracts.

That is contained in article VII, page 60.

Now it is true that, under the terms of article VII, land purchased by the Indians with the moneys that they would get for the appraised value of the lands which are taken would be used to acquire property in the trust status. That is a problem that has been before the Depart-

ment for a good many years, as to whether or not the trust status follows the cash that comes from land.

Within the last 4 or 5 years a policy has been adopted which will not follow the funds outside of a particular State in which the land originally was located, and it also will not follow money to an urban area. That is, it will not take the trust status into an urban area, so that while we did, prior to 1932, buy some lands in some cities—and there are instances even of lands in Los Angeles and Seattle being purchased in a trust status and tax-exempt—that has been abolished as a policy of the Department.

I think we would prefer to have that discretion still within the Secretary. I know that one of the problems that is bothering Congressman D'Ewart is the situation at Lodge Grass, Mont. Lodge Grass is a town site within the external boundaries of the reservation. It is land wholly within the reservation boundaries.

We face this problem in terms of trying to make some adjustments for some of the older Indians, particularly: They should be enabled to buy a lot in town where their adjustment to living on social-security benefits, or on relief or something like that, can be worked out. Still we know that if their land is put on the tax rolls in these little towns, as to the house and lot, that they are going to lose those in a very short time. So, in an area such as Lodge Grass, where we have a number of social-security cases, they can get much better accommodations living in town than if they are widely dispersed over the reservation, and we would prefer that their land not be taxed because most of them do not understand the taxing process and would lose their land.

At the present time we have that problem before the tribe, to see whether or not the tribe itself will not undertake to do something about maintaining the tax-free status for the purpose of taking care of these older people when they move into these small towns.

With regard to land that might be bought contiguous to the reservation and later be incorporated into the reservation as a part of the Fort Berthold Reservation, I think the tax-free exemption should apply.

Mr. LEMKE. I agree with you except that you have this difficulty: I presume, as far as article VII goes, we cannot change that.

Mr. PROVINSE. That is within the contract. It seems to me that is a part of the compensation.

Mr. LEMKE. We cannot change that.

Mr. PROVINSE. That is right.

Mr. LEMKE. With respect to the \$3,000,000, you say that is intended for within the reservation anyway.

Mr. PROVINSE. That is intended for within the reservation.

Mr. LEMKE. So the question of what to do with buying outside would be rather a question for future adjustment; would it not?

Mr. PROVINSE. I think so, and I think our policy is gradually becoming defined. I think over a period of time the Indians can take their money and move to Seattle or Butte, Mont., or to Minneapolis, and that they should be expected to pay taxes on the land that they buy there.

Mr. LEMKE. The reason I brought it up is because I felt we had to have an explanation.

Mr. HARPER. Mr. Chairman, may I throw some additional light as to the probable effect?

About a year ago the investigation staff—the Missouri Basin Investigation Staff—conducted a house-to-house survey of some 300 families who are affected by the project.

Two hundred and eighty-nine of them living within the taking area, and 11 so close that they will also have to move, made up the total of the 300 families. We asked them where they wanted to go, and we kept ourselves out of their answers.

Two hundred and fifty families of the 300 Indian families said that they plan to stay on the reservation. Thirty-one families said that they plan tentatively to leave the reservation altogether, and 19 were undecided.

Now, of the families that are going off the reservation, 5 are going to other reservations, joining relatives, and 13 families plan to move to Montana and South Dakota. Five families plan to go to various towns in North Dakota, and eight families plan to go to various rural communities in North Dakota.

In other words, so far as North Dakota is concerned, there are a total of 13 families which we are probably talking about, in applying the effects of articles VII and VIII of the contract. I am personally inclined to think that number will be even smaller when we come to the time of removal.

Mr. MORRIS. Can you tell me approximately how many families there are on the entire reservation? Do you have that information?

Mr. HARPER. Three hundred and fifty-eight households.

Mr. MORRIS. Three hundred and fifty-eight?

Mr. HARPER. Yes, sir.

Mr. MORRIS. What is the total number of Indians on the reservation?

Mr. HARPER. The enrollment is about 2,200, and about 1,900 or 2,000 live on the reservation.

Mr. MORRIS. I think it is in the record in other places, and I am becoming pretty familiar with this picture as the testimony unfolds, but will you tell me just for my information what tribes are involved here? What are the tribes?

Mr. HARPER. You mean the three tribes?

Mr. MORRIS. Yes.

Mr. HARPER. The tribes are the Mandan, the Gros Ventre. What does it mean in French?

Mr. PROVINSE. That is the remnant of the old Hidatsa.

Mr. HARPER. And the Arikara.

Mr. MORRIS. Do they come from or are they descendants of some of the larger nations or tribes like the Sioux or the Wyandottes or any particular group of that kind; or are those names names they have had traditionally for many, many years? Do you know about that?

Mr. PROVINSE. If I may inject here, they are names that the tribes had for a great many years. The town of Mandan is named after the Mandan Indians.

Mr. MORRIS. The reason I ask that question is this: I am familiar with the names of many Indian tribes all over the Nation, but every once in a while I run into some new names I have not known about before.

Mr. PROVINSE. These three groups in the Missouri Basin were the most sedentary of the groups there. They were not the nomadic groups similar to the Sioux groups.

Mr. MORRIS. I see. I see one of our Indian friends standing here. Would you like to make a statement, sir?

Mr. SYLVESTER. My name is Carl Sylvester, Mr. Chairman. I am a delegate chosen to accompany the tribal council.

I want to clarify that name business of our tribe.

Mr. MORRIS. All right.

Mr. SYLVESTER. As Mr. Harper gave the name, the Mandan is correct. The Arikaras adopted that term for themselves, but the Gros Ventre, named the Gros Ventre of the Three Affiliated Tribes, seems to have been a misnomer from the beginning.

The real Gros Ventre, or the Pot Bellied, or whatever you call it in French, lived way out at Fort Belknap, Mont., and we seemed to have been mixed up with that tribe.

Our name in Indian is Hidatsa, or however you want to spell it, or Minatari, as the Mandans call us. Either one is correct, but the Government of the United States misconstrued the name and it stuck to us to this day. We tried to change it, but with no success.

The so-called Gros Ventre and Mandan Tribes were originally of the Sioux stock. In their linguistic stock we belong to the Sioux Nation. That is a great stock composed of different nations.

Now, I am not competent to say, but from 13 to 17 different nations or tribes are alive today of that stock, or something like that. The Mandans, the so-called Gros Ventre, the Assinoboine, the Winnebago, the Omaha, the Quapaw, to which Hon. Charles Curtis belonged, were all one stock.

History says we were over here in Virginia and in the Carolinas originally. We migrated by slow migration until we got west, after perhaps a thousand years. That is how we originated. We belong to the Sioux in stock, and we have settled in that territory of the Missouri River for hundreds of years.

The Mandans were the first, and the Gros Ventre migrated toward Canada, and many years afterward we came back.

I thank you.

Mr. CASE. Mr. Chairman, I would like to remind Mr. Sylvester that he has not identified the Arikara. They are Caddostock.

Mr. SYLVESTER. I did not say anything about the Arikara. They came from down Southwest somewhere. They belonged to what they call the Pueblo stock. They belonged to the Caddo stock, and four of them are living, the Arikaras, Pawnees, Caddos, and Wichitas. Those are the four allied nations composing the stock to which the Arikaras belonged.

I was not talking about them, because these Arikaras joined us from somewhere in Nebraska about 1837, and they have been with us ever since. By Presidential proclamation, as I read about 1880, the President said that they should belong to the Fort Berthold Reservation and be called the Three Affiliated Tribes. That name became official until the Indian Reorganization Act of 1934.

I thank you.

Mr. MORRIS. Thank you very much for that statement. It is very interesting. Not that it is so pertinent to this inquiry, but it is of

great interest to me. We have the Caddos, of course, out my way, and the Pawnees, as you mentioned. They were probably some of the same people, originally.

Are there any further questions, Mr. Lemke?

Mr. LEMKE. I do not think so. I wish to make an observation.

I have a newspaper clipping here which shows what some of the white people are asking for similar land, and I notice that there is a 13-acre piece where they have asked \$68 per acre. All the way through the amounts that the farmers are asking for there are at least nearly twice what the Army offers them, and sometimes they are four times as much as the Army offers them.

It may be that there is an exaggeration as to what the farmer wants, but I find that the court in the decisions that it has made in nearly every case has increased the Army figure considerably. In some cases it has been all the way from two-thirds up.

You have that by condemnation proceedings in court.

I think that is all I have at this time, Mr. Chairman.

Mr. PROVINSE. Mr. Chairman, Mr. D'Ewart, during one of the sessions, raised a question, also, about whether or not this joint resolution would finally complete this negotiation, and I think attention should be called to section 9 which definitely states that this shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes, by reason of the construction of the Garrison Dam and Reservoir project.

Mr. LEMKE. I may state that it is well to bring that out because Mr. D'Ewart has told me that he would absolutely not feel that it would be fair if the thing were not finally settled now.

May I ask Mr. Case whether he has considered the amendments the department has offered? I think most of them are just technical amendments.

Mr. CASE. Mr. Lemke, the amendments have been considered by the tribal council, and the tribal council is here. It went over these amendments before the report was presented to the House, and they agreed to the amendments as offered by the Department of the Interior.

Mr. LEMKE. Personally, I feel the amendments improve the bill.

Mr. CASE. I think so. Unquestionably, some of them will clarify it. The tribal council is entirely agreeable to the rewriting of section 5, which you have right before you there, which is the electrical power provision.

I would like to explain that, since the Department has not touched upon it. I would like to invite your attention to the fact that the draft of the bill calls for power at not to exceed 2 mills per kilowatt-hour.

In asking this amendment the Department told us that they did not wish to have a statutory limitation on their power.

This power from Garrison Dam, when built, will be part of the great pool of power included in the entire Missouri River Valley development. As such, if the Congress hobbled the Interior Department with a statutory limitation to one, it might set a very bad precedent. We could understand, and we agreed to the rewrite of the power provision, which does leave the question of rates entirely in the hands of the operating element, whatever it is.

We do get, however, what I might refer to as the most-favored-customer clause. We will get power at the low rate of the other wholesale customers.

Mr. MORRIS. I like that provision much better than fixing a stated rate.

Mr. CASE. We agreed.

Mr. MORRIS. Because we do not know in the future just what the rates may be. They may be lowered, or they may be raised. We are all hoping that they may be lowered from time to time, as production of electricity is in greater quantities, and it might be that sometime in the foreseeable future this rate which appears to be a low rate now would be a high rate.

Mr. CASE. It might be.

Mr. MORRIS. If we fixed it by congressional mandate and law it would have to remain that until it were changed. I think that is a very wise amendment, myself.

Mr. CASE. The Three Tribes, under this provision, become customers for the power after it is available, and we are simply getting reserved seats, and we are getting them in advance. We are in no different status from other users of the power.

Mr. MORRIS. Now, at this point in the record I would like to present a letter which was left with the committee by Mr. James Baker, where he has made a statement here and asks that it be filed and become a part of the record.

He says:

My name is James Baker, a member of the Three Affiliated Tribes of North Dakota. I am an official delegate appointed by the Tribal Business Council of the Fort Berthold Indian Reservation.

I desire to speak briefly on the timbered areas of the Fort Berthold Indian Reservation. Much timber grows along the Missouri River in the State of North Dakota. All of the valuable timber will be removed from within the Indian Reservation before it is flooded. Much of it will be wasted.

The forested area of our reservation has been of great value to us. We depended on timber products to construct our dwellings and barns. The rails are used in making enclosures for our stock. We use many posts in making fences for our pastures and fields. Our forested areas and standing timber affords shelter for our livestock.

In the near future we will be forced to leave our homes. We will be obliged to move into places where there will be no building material, and there will be no wood for fuel.

The Government of the United States promised our forefathers that our treaty lands and natural resources would be ours forever. It is now the will of Uncle Sam to deprive us of the use of that which is ours.

My request is a favorable action on House Joint Resolution 33 and Senate Joint Resolution 11. I thank you.

Mr. PROVINSE. Mr. Chairman, may I say something else?

Mr. MORRIS. Yes, sir.

Mr. PROVINSE. In connection with section 2 of the resolution, where the sum of \$3,000,000 is asked for the establishment of a land readjustment fund, I would like to place before you for insertion in the record a report which our Missouri Basin investigation staff has made called, Land Consolidation Problems on the Fort Berthold Indian Reservation Arising From the Garrison Project.

This goes into much more detail on the problems we face in making the land-adjustment program, with a number of maps.

Additional copies can be had for the members of the committee, if you wish them, but I think this would be useful in the record.

Mr. MORRIS. All right. Let that be filed and become a part of the record at this time.

Mr. LEMKE. I was wondering, Mr. Chairman, whether it should not be printed, because this record will go over to the Senate side.

There may be some question about some of these things, and perhaps it would be better if it could be put into the printed record. This is an important case, and one of the most important coming before this committee.

Mr. MORRIS. The document will be printed in the record.
(The document is as follows:)

LAND CONSOLIDATION PROBLEMS OF THE FORT BERTHOLD INDIAN RESERVATION
ARISING FROM THE GARRISON PROJECT

(Missouri River Basin investigations staff, region No. 2, Bureau of Indian Affairs, Billings, Mont., April 20, 1948; revised, November 1, 1948)

FOREWORD

The Garrison Dam and Reservoir project on the Missouri River involves the clearance of 173,000 acres of valley land running through the Fort Berthold Reservation, N. Dak. This land taking will necessitate the removal of nearly 300 Indian families. They will lose their homes and farms. Eighty-three percent of these families have expressed a definite preference to resettle on the residual segments of the reservation.

This map folio has been prepared to present graphically the problems facing the Indians. It deals especially with the problem of consolidating the Indians' remaining individually allotted lands into practical units of use.

Plates 1 to 3, inclusive, provide a general summary of the effects of the Garrison taking of Indian lands on the existing reservation. Plates 4 to 9, inclusive, reveal the elements of the complex problem of readjusting ownership of land on the residual reservation.

Special legislation has been proposed to the Congress to establish a land readjustment fund to assist the Indians in effecting a consolidation of their lands. This folio presents the basic reasons for the need of this assistance.

Originally issued on April 20, 1948, this publication has been thoroughly revised to include the latest available statistical data and other information. The maps herein were prepared by Rudolph Cvelbar, Jr., and T. E. DeJarnett, draftsmen of the Indian Bureau's Missouri River Basin investigations staff.

ALLAN G. HARPER,
Assistant Regional Director.

PLATE NO. 1.¹ FROM THE TREATY OF FORT LARAMIE TO THE GARRISON TAKING
(1851-1948)

The map opposite telescopes the entire land history of the Three Affiliated Tribes from the establishment of the Fort Berthold Reservation in 1851 to the impending Garrison Reservoir taking.

The original reservation, totaling about 12½ million acres, was located wholly south and west of the Missouri River. By successive statutes and Executive orders, this land base was progressively reduced. But it was also extended north and east of the river. This area of about 1½ million acres was also subsequently reduced.

The large reductions in the area of the reservation took place in 1870, 1880, 1891, and 1910 through the opening of that part of the then existing reservation north and east of the Missouri River to white settlement.

The gross area of the Fort Berthold Reservation today is 643,368 acres, of which 60,085 acres are in white ownership.

After the Garrison taking of 146,259 acres (not including 6,266 acres of Indian claimed accretion along the Missouri River), Indian holdings of all kinds will total 437,024 acres.

In the course of settling the West and the assimilation of the Indians, it is to be expected that the vast original reservation—set aside on the basis of the Indians' hunting economy—should have been reduced. It is demonstrable, however, that the land resources finally left to the Indians after the Garrison taking will require a comprehensive reconsolidation into usable units, if their removal from the bottom lands is to be successfully accomplished.

¹ The illustrations mentioned are on file with the committee.

PLATE NO. 2. PRINCIPAL EFFECTS OF THE GARRISON PROJECT ON THE FORT BERTHOLD RESERVATION AND ITS PEOPLE

The flooding of the Garrison Reservoir site will submerge the best lands of the Fort Berthold Indians and the majority of their home sites. The residual reservation will be left in five parts, each separated from the other by water. The sheltered and timbered bottom lands will be taken. More concretely, the facts are :

	Acres
Indian-owned (surveyed)-----	146, 259
Indian-owned (accretion)-----	6, 266
Owned by non-Indians-----	20, 805
Total-----	173, 330

Segmentation of residual reservation.—The residual reservation will be segmented into five parts through the flooding of the Missouri River, the Little Missouri River, Lucky Mound Creek, and the Shell Creek Valley. The unity, organization, and communications of the people will be virtually destroyed.

Removal of Indian population.—Of the 357 Indian homes on the Fort Berthold Reservation, 289 are located within the taking area for the Garrison Reservoir. About 1,700 people will have to remove their homes. Of the 289 families which have to move, 240 (or 83 percent) wish to remain on the residual reservation, largely in the western, southern, and eastern segments.

Implications of losing bottom lands.—The Garrison Reservoir takes all the Indians' bottom lands along the Missouri River. Deprived not only of their homes and the base lands for their cattle operations, they will also lose nearly all their standing timber—and therewith their free supply of fuel, fence posts, house logs, and habitat for game. Developed water supplies will be lost. From their presently sheltered location, the Indians must move to the uplands where they must make extensive readjustments in their way of living and especially in their method of livestock management. A shortage of protected winter range and the greater cost of developing water are two problems which they must face.

Destruction of existing social facilities.—All of the Government's facilities for the Indians' health, educational, agricultural, and administrative service, centered at Elbowoods and in outlying communities, are located in the taking area. It will be difficult to reconstruct these facilities and restore services in terms of the segmented reservation.

PLATE NO. 3. FROM THE RIVER VALLEY TO THE UPLANDS: THE PROBLEM OF REMOVAL

The reservation lands used by Indians are indicated by the yellow coloring. Note the close correlation with the Garrison taking line.

1. Although some Indian acreage within the taking area is being used by non-Indians, most of it is used by Indians.

2. The areas of Indian use overflow the taking line to include adjacent areas.

3. The non-Indian use areas north and east of the Missouri River are largely under agricultural leases; those west and south are under grazing permits.

Effect of taking on livestock economy.—The Fort Berthold Indians have made their greatest strides toward economic self-sufficiency through the production of beef cattle, based on use of the bottom lands and adjacent uplands. It is precisely these lands which are taken or served for Garrison Reservoir.

Problems of removing cattle industry to uplands.—The reestablishment of the cattle industry on the residual reservation is faced with these difficulties:

1. Lack of shelter and winter range which will force a radical change and increased cost in grazing and feeding practices.

2. Lack of developed water supplies.

3. Lack of roads and trails, especially west and south of the Missouri River, and the severance of communications between the two segments formed by the flooding of the Little Missouri River.

4. The allotment and fractionization of individually owned Indian lands on the residual reservation, together with white ownership of key tracts in the grazing units. The succeeding plates in the folio analyze this problem.

PLATE NO. 4. READJUSTMENT OF LAND OWNERSHIP. NO. 1: THE ALLOTMENT PATTERN

The residual Fort Berthold Reservation is marked by three outstanding ownership characteristics:

1. There are no tribal lands of any consequence.

2. All of the residual lands are allotted in severalty.
2. The Indians' allotted lands are interspersed with some 44,000 acres of white-owned lands.

Objective of readjusting ownership on residual reservation.—To reestablish the Indians' livestock industry on the residual reservation, ranch lay-outs of approximately 2,500 acres must be assembled to provide home sites, ranch headquarters, and sufficient grazing land. Protected winter range in individual ownership is important.

Ownership of typical township.—The existing ownership pattern on the residual reservation is illustrated by plate No. 4. All of the land is classified for grazing and no Indians live within the township. It forms a part of a large grazing unit of 108,000 acres, taken out by a group of eight white livestockmen who pool their use of the area.

This township could be organized into nine family-size ranches, which is the type for use for which the Fort Berthold people have expressed a preference. It is presently subdivided into 91 allotments of diverse and scattered Indian ownership, which makes individual use impractical. Two alternatives appear: (1) a program of purchase and exchange to create individually owned ranch units, or (2) a program of purchase and exchange to create consolidated blocks of tribal lands to be used under permit by individual Indians.

PLATE NO. 5. READJUSTMENT OF LAND OWNERSHIP, NO. 2: THE INHERITANCE PROBLEM

Physical partition of allotments, at the death of original allottees, has nearly always proved economically undesirable and an obstacle to Indian use of the land. The inheritance and reinheritance of trust allotments have tended generally to produce the result which is illustrated by plate No. 5.

Not only was the land base of the residual Fort Berthold Reservation allotted in tracts which were too small for economic cattle operations, but it is also burdened now with minute inherited subdivision of these allotments.

A twofold process is constantly operating. With the rare exception of estates with single heirs, all allotments and inherited interests are being continually redivided with arithmetic certainty into numerous ownerships. Nearly all members of the tribe, after the first generation, find their land holdings represented by collections of geographically scattered inherited interests.

Removal to the residual reservation forces on members of the tribes the necessity of consolidating their allotted and inherited interests to provide themselves with tracts sufficiently large for home sites, farms, and ranches. It appears that the Indians prefer to receive new trust patents for their consolidated holdings.

Will such newly trust patented lands again be fractionized? Possibly, but there are three favorable factors operating against that result:

1. Lands would be in economic units on a family basis, offering the opportunity, heretofore absent, of Indian operation. Full advantage of this opportunity has been taken on other reservations where consolidations have been made.

2. As going concerns, the opportunity would exist to transfer operation of the farms or ranches to family members who would take over on the death or retirement of the family head.

3. Economic units would produce income sufficient to pay off the inherited interests of nonresident heirs. Some resident heirs could purchase unused economic units in estate status.

PLATE NO. 6. READJUSTMENT OF LAND OWNERSHIP, NO. 3: THE PROBLEM OF A TYPICAL FAMILY

The Fort Berthold family whose land holdings are platted on the map opposite consists of five members. Its total of allotted land and heirship interests aggregates 1,036 acres.

Inside the taking area, the family has one allotment of 160 acres and five heirship interests totaling 202 acres. In all, it has 362 acres which will be taken.

Outside the taking area, the family has four allotments totaling 600 acres and six heirship interests totaling 74 acres. In all, it will have 674 acres left on the residual reservation.

This family will find these holdings on the residual reservation, if consolidated, sufficient to provide for a home site, garden, a few chickens, and a winter feeding base for a small herd of cattle. Cash proceeds from the taking of its

362 acres for Garrison Reservoir could be used to acquire additional lands or be used to defray the expense of setting up the family in its new home.

Under the pending contract the family's moving expenses would be defrayed from the \$5,105.625 appropriation. It would also be assisted in salvaging and moving its old home and improvements, if that were feasible and desired.

PLATE NO. 7. READJUSTMENT OF LANDOWNERSHIP, No. 4: A FAMILY WITH LARGE LANDHOLDINGS

Probably not more than 5 to 10 percent of the Fort Berthold Indians own holdings as large in the aggregate as those of the Mahto family. Yet the family is "land poor" in the sense that the full income possibilities of its lands cannot be realized because of their scattered, fractionized status.

Consolidation of the family's holdings and interests outside the reservoir R/W would give it a unit of 2,218 acres. This base could be augmented by the purchase of additional land from the proceeds of the sale of 1,326 acres to be taken for the reservoir.

With its assets the Mahto family can make a good readjustment, but the help provided through the proposed land readjustment fund will be indispensable. There is no way in which the family can effect consolidation of its holdings except through a reservation-wide program of land readjustment and consolidation.

PLATE NO. 8. READJUSTMENT OF LANDOWNERSHIP, No. 5: THE HOLDINGS OF THE NONRESIDENTS

The landholdings of a typical nonresident Indian family are illustrated by plate No. 8.

In the Garrison taking, 416.50 acres will be bought by the War Department. Under the terms of the pending contract the nonresidents would receive payment in cash.

The family will still own an aggregate of 856.30 acres on the residual reservation. As there is need for this land by resident members of the tribe, means for its purchase should be made available.

Two sources of funds for this purpose are: (1) proceeds derived by allottees and heirs from the Garrison taking and (2) the proposed land readjustment fund.

PLATE NO. 9. READJUSTMENT OF LANDOWNERSHIP, No. 6: PURCHASE OF ALIENATED LAND

The two segments of the Fort Berthold Reservation, shown on plate No. 9, are of the utmost (and perhaps controlling) importance to the Indians' removal:

1. The land in these segments, west and south of the Missouri River, is predominantly grazing in character.

2. It is to these segments that a majority of the Fort Berthold Indians will remove.

As shown in plate No. 3, the bulk of these lands is leased to non-Indians at the present time. It is obvious that one of the first effects of the Indians' removal will be—and necessarily—the progressive return of these permitted lands for grazing Indian-owned cattle.

Over 14,000 acres of land in these two segments are presently alienated from Indian to white ownership. These lands would not be of any use to their owners if the Indians withdrew their grazing permits.

The purchase of these alienated lands would—

1. Probably be welcome by their present owners.
2. Provide the land readjustment fund with a land pool from which to begin operations of exchange, purchase, and sale in order to block up economic ranch units for individual Indians.

3. Greatly simplify administration of the range.

Mr. LEMKE. Mr. Chairman, I now move that the amendments offered by the Department of the Interior, as shown on pages 8 and 9 of the Committee Document No. 1, be incorporated into the bill.

Mr. MORRIS. I second the motion.

It has been moved and seconded that the amendments, as proposed by the Bureau of Indian Affairs, Secretary of the Interior, as set out

on pages 8 and 9 of the report, in the form of a letter from the Secretary of the Interior, be incorporated in the bill.

All in favor of the motion let it be known by saying "aye."

(Response of "aye.")

Mr. MORRIS. Those opposed "no."

(No response.)

Mr. MORRIS. The "ayes" have it and the amendments are so adopted and incorporated in the bill.

Off the record.

(Discussion off the record.)

Mr. MORRIS. I think we can report this bill out tomorrow. I hope we can. I know I am ready to report it out. I think it is a good bill, and I want to move forward with it.

Mr. PROVINSE. I am sure, Mr. Chairman, that this group here appreciates your kindness to them since they have been here.

Mr. MORRIS. Off the record.

(Discussion off the record.)

Mr. MORRIS. The subcommittee will stand adjourned until 9:30 tomorrow morning.

(Thereupon, at 11:50 a. m., Monday, May 2, 1949, an adjournment was taken until 9:30 a. m., Tuesday, May 3, 1949.)

PROVIDING FOR THE RATIFICATION BY CONGRESS OF A
CONTRACT FOR THE PURCHASE OF CERTAIN INDIAN
LANDS BY THE UNITED STATES FROM THE THREE
AFFILIATED TRIBES OF FORT BERTHOLD RESERVA-
TION, N. DAK., AND FOR OTHER RELATED PURPOSES

TUESDAY, MAY 3, 1949

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF INDIAN AFFAIRS
OF THE COMMITTEE OF PUBLIC LANDS,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 9:30 a. m. in the anteroom of the Committee Room of the House Committee on Public Lands, the Honorable Toby Morris (chairman of the subcommittee), presiding.

Mr. MORRIS. Gentlemen, the subcommittee will come to order.

We will proceed with further consideration of House Joint Resolution 33 at this time.

Mr. MURDOCK. Please tell me what happened to this bill last year.

Mr. D'EWART. I have the testimony right here, and I have some points to raise brought out by this testimony.

The situation is this: the contract was offered to the joint committee of the House and Senate, and it was determined that the funds involved in the contract were only a down payment, and were not final settlement.

I can read you the testimony here, which I sent over for. The Senate, therefore, refused to accept it and returned it to the Indians and the Army engineers and Mr. Case with instructions that they try to reach an agreement that would be final.

Senator WATKINS. What I am trying to point out to you gentlemen is that after the explanation given by the general here you are still unsettled. You do not have a contract except that at some future time you are going, by some other means, to endeavor to find out what you have to pay. In other words, it is not a complete contract.

It is not a meeting of the minds on important matters.

I can go on and read several pages of testimony like that.

They have sent it back, and have brought in a considerable addition in payment, and three or four amendments.

Now, I have an amendment or two, and the question in my mind is this: Is it a final settlement? If it is not, I am not for the resolution. I think it should be a final settlement.

Mr. LEMKE. There is not any question.

Mr. MORRIS. I think it is. Look at section 9.

Mr. LEMKE. The bill states, on page 74:

The foregoing conditions and requirements, and the funds made available and those authorized to be appropriated in this Joint Resolution, when appropriated, shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States, by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Mr. MORRIS. We ran across that yesterday and discussed it yesterday.

Mr. D'EWART. Here is what Senator Watkins says [reading]:

Senator WATKINS. That does not make any difference. A majority of any community cannot take my property. If they were 100 percent and I was the only one left I would still have the right to sell my own property. As to individual holdings under this treaty which are allotted and some day will ripen into titles in fee, if they go with it they cannot be taken by a tribal group agreeing to a contract.

Mr. LEMKE. That is covered. If they are not willing to accept it by another provision in the original agreement they can go into the condemnation proceedings.

Mr. D'EWART. That is what we are trying to prevent.

Mr. LEMKE. But you cannot do so.

Mr. D'EWART. I would call your attention to the fact that that is in the bill, but it is not accepted by the Tribal Council. It is not accepted by a majority of the Indians. It is not accepted even by the individuals.

What they did accept is this:

The said contract shall be submitted to the Congress on or before the first day of June 1948; provided, however, that notwithstanding said contract or the provisions of this act the said Three Affiliated Tribes may bring suit in the Court of Claims as provided in section 24 of this act of August 13, 1946, on account of additional damage, if any, alleged to have been sustained.

That is what they signed and agreed to. They did not agree and sign to this order.

Mr. LEMKE. To this addition?

Mr. D'EWART. To this addition.

I have provided an amendment. I do not know whether it will correct it or not. I will leave it to the attorneys on the committee to decide.

On page 74, line 20:

Provided, That no funds authorized in this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by over one-half of the members of the said tribes accepting payments authorized by this Act as complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Mr. MORRIS. Let me see that amendment, Mr. D'Ewart, please.

Mr. D'EWART. What we are trying to get away from is future lawsuits.

Mr. MORRIS. I understand.

Mr. D'EWART. I think you are all agreed on that.

Mr. WHITE. Future claims.

Mr. LEMKE. I want a final settlement.

Mr. D'EWART. All the testimony a year ago indicates we are not doing it. That is what I am trying to bring out here.

Mr. MORRIS. Off the record.

(Discussion off the record.)

Mr. MORRIS. Gentlemen, let us proceed.

Will you offer the amendment, Mr. D'Ewart?

Mr. D'EWART. I move that on page 74, line 20, that the comma be stricken and a semicolon inserted and the following words added:

Provided, No funds authorized in this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by a majority of the members of said tribes accepting payments authorized by this Act as complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes or members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Mr. BARRETT. I would like to ask somebody this question: What authority does the tribe have to pass a resolution binding on the individual members as to their own patented land? What authority do they have with regard to an individual member's allotted lands?

I can see what right the tribe has as to tribal lands, but what right has the tribe over the land of the individual members of the tribe? After all, they are the same as anybody else.

Mr. LEMKE. That is true, but that was disposed of in the individual contract that has been signed, whereby those individual members are given the right expressly, if they are not satisfied with the settlement, that they can go into the Court of Claims or into court and get redress.

Mr. BARRETT. But they are not going to get any money here, the way that amendment is.

Mr. LEMKE. Well, yes; if a majority agree, they will get some money.

Mr. BARRETT. Read that amendment.

Mr. D'EWART (reading):

Provided, No funds authorized in this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by a majority of the members of said tribes accepting payments authorized by this Act as complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Mr. BARRETT. What do you mean by the "Tribes and the members thereof"? What lands are you speaking of there?

Mr. D'EWART. They insisted in the original acceptance of this original contract that it not only be accepted by the tribal council but by a majority. I have used that method, by a majority of the tribe. A majority of the tribe had to approve it.

Mr. BARRETT. You are talking about tribal lands?

Mr. D'EWART. It is supposed to be for allotted lands as well as tribal lands.

Mr. BARRETT. The question I have in my mind is what authority the tribe has over the allotted lands.

Mr. D'EWART. "That a contract between the United States and said Three Affiliated Tribes shall be negotiated and approved by a majority of the adult members of said tribes."

Mr. BARRETT. That does not apply to allotted lands. That affects only tribal lands.

I think you could go so far as to say that a majority of the adult members of the tribe can consent to the sale of the tribal lands. If you are going further than that, and want to say, "We are going to bind the individual ownerships by an action of the tribe," I do not believe that the tribe has anything to do with the lands of individual Indians of the tribe.

Mr. D'EWARD. Senator Watkins said:

That does not make any difference. A majority of any community cannot take my property. If they were 100 percent and I was the only one left, I would still have the right to sell my own property. As to individual holdings under the treaty which are allotted and some day will ripen into titles in fee, if they go on with it, they cannot be taken by any tribal group agreeing to a contract.

Mr. BARRETT. I agree with that.

Mr. MORRIS. I think you are right about that; but, from a practical standpoint, if these parties who own individual allotments actually receive the money, that will settle it. This is the only practical way to settle it.

There is this one thought which I am not certain about. Title to this Indian land is usually—and I take it in this case also—in the Government of the United States. Usually the bare title is held in the Government in trust for the Indians, and the approval is by the Bureau of Indian Affairs and the Department of the Interior and the Congress and the tribal council.

As long as the courts would say it is just and fair, it is in the nature of a condemnation proceeding which would actually settle the matter. I am not sure about that.

I am sure of this fact: If the individual allottee accepts money for it, assuming that he is a competent person, that will settle it.

Mr. BARRETT. There is no question about that.

Mr. LEMKE. Let me ask you this question: The Government, under the Supreme Court decisions, can break its treaties with the tribes as a whole. I am satisfied that it can break any agreement with the allottee if it wishes.

Mr. MORRIS. Very probably, because it is not like the ordinary land. It is a gift or a grant.

Mr. LEMKE. I will admit that they cannot do anything with a fellow who has a patent.

Mr. WHITE. There is another way of reaching this situation. If the receipt is signed for the money by the Indian, and carries that provision that this settles all claims in the future, it would certainly cover it, I believe. That is the way it is generally handled, in the receipt itself.

Mr. LEMKE. The Department would put that into the receipt.

Mr. BARRETT. How many individual ownerships are there?

Mr. WHITE. I think we could depend upon the Bureau of Indian Affairs to take care of that.

Mr. MORRIS. I do not think we need to worry about that.

Mr. WHITE. We could put it in this resolution, and provide that the receipt be given when the money is paid, and such provision be contained in the receipt from each individual beneficiary.

Mr. MORRIS. I do not believe that we ought to put in too many details.

Mr. WHITE. I do not think we need to do that, but it can be reached that way.

Mr. LEMKE. I think the amendment goes about as far as we can go. If the Senate wishes to, they can thrash this out from A to Z anyway.

Mr. WHITE. When you make a transaction, just as these Indians are going to make transactions, the fundamental principle in the thing is embodying the information in the receipt which you give.

Mr. MORRIS. That is right.

Mr. BARRETT. Let us go over the language there. Are you satisfied with it?

Mr. LEMKE. You did not put in the word "adults." How about that? Is that necessary?

Mr. D'EWART. That is not the way the original read; is it? Yes; it is. It says, "a majority of the adult members." That is just the same wording as in the bill.

Mr. BARRETT. I think that is what you should have. That, no doubt, is in conformity with their constitution and bylaws.

Mr. WHITE. Mr. Chairman, I am in favor of the bill, and I am in favor of the amendment, but I have a meeting at the Department at 10 o'clock. I wonder if I might leave.

Mr. MORRIS. I think this is about over. Could you stay just a minute or two?

Mr. MURDOCK. I second the amendment which was offered.

Mr. MORRIS. Did you amend it just a little?

Mr. D'EWART. Yes. Add "adult members."

Mr. MORRIS. I believe you had better read the final draft again.

Mr. D'EWART (reading):

Provided, No funds authorized by this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by a majority of the adult members of said tribes accepting payment authorized by this Act as complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes and members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Mr. MORRIS. You have heard the amendment.

Mr. MURDOCK. I second the amendment.

Mr. MORRIS. It has been moved and seconded that the bill be amended as read by Congressman D'Ewart.

All in favor of the motion let it be known by saying "aye."

(General response of "aye.")

Mr. MORRIS. Those opposed, "no."

(No response.)

Mr. MORRIS. The motion prevails and the amendment is adopted and becomes part of the bill.

What shall we do with the bill, gentleman, House Joint Resolution 33?

Mr. D'EWART. I have another amendment I would like to offer for your consideration. I do not make a point of it, but I would like to offer it.

One page 73, line 25, after the word "taxable," add a semicolon and state:

Provided, That when such funds are used to acquire property outside the Indian country of the Three Affiliated Tribes such property shall be taxable.

The section 7 makes some payments to these tribes, and this amendment would leave the property they acquired inside the Indian country, inside the boundary of the tribal lands, trust property, and not subject to taxation. If they went out into the city of Williston or Bismarck or Los Angeles, then the property would become taxable as other property.

Mr. MURDOCK. Is it necessary?

Mr. LEMKE. Yes. I took that up with the Indians, and they are opposed to it. They say:

You are taking our land that its tax-exempt and flooding it, and the community will get a lot more money out of the project than the taxes will amount to, from the tourists and so forth.

The Department, however, says—and has an established policy with regard to it—that they are trying to get away from these trust lands in certain areas. I brought that question up yesterday, because you had raised it. They say that where an Indian moves away into a city or an urban community, or into another State, that the trust fund, by their policy, is no longer followed.

Mr. D'EWART. Yes.

Mr. LEMKE. They have suggested that if we do make an amendment it should be on page 70, line 18, and be:

Except that nontaxable and nonalienable status shall not apply to lands or property purchased in urban areas or in the lands located elsewhere than adjacent to the existing reservation, or as it may be extended.

Mr. D'EWART. I am not pressing the amendment, but I think it would save some headaches.

Suppose that this \$5,000,000 were spent at Bismarck. What would it do to your property base?

Mr. WHITE. I will say to the gentleman from Montana that we have a law in Idaho that exempts widows from taxation, and it does not create difficulty.

Mr. D'EWART. I am not pressing the amendment.

Mr. LEMKE. They also said that about 49 would leave the reservation.

I have no particular objection to the amendment. I think it is, perhaps, a good suggestion; but, with what they have stated in the record, I think it is clear enough.

The Senate may add it. Why not let them add a little something if they wish to.

Mr. WHITE. I believe I would be opposed to the amendment.

Mr. D'EWART. All right. I am not pressing it.

Mr. MORRIS. You are not offering it, then? You are just suggesting it?

Mr. D'EWART. Just suggesting it for consideration.

Mr. MURDOCK. Mr. Chairman, I move that the bill be reported.

Mr. D'EWART. I would like to inquire: Did you adopt the amendment to section 5?

Mr. LEMKE. We adopted all the amendments appearing on pages 8 and 9 suggested by the Department yesterday.

Mr. MORRIS. They were adopted yesterday.

Mr. D'EWART. This second amendment on page 9 here says:

For any Indian individual or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction.

If I read that correctly, that means that the Indian Bureau constructs, maintains, and operates in perpetuity these irrigation districts.

Mr. BARRETT. Where is that?

Mr. D'EWART. Page 9 of this report.

Mr. LEMKE. I think that could be under the Bureau of Reclamation, and so forth.

Mr. D'EWART. The point is, would the Indians pay for operation and maintenance after they were built, or would they not? Do you see the point I am making?

Mr. MORRIS. Yes; I see what you mean.

Mr. D'EWART. It goes on further down and says:

Repayment of shares of cost to be borne by the Indians shall be subject to the terms and conditions thereof under laws applicable to Indian lands.

However, it does not go into the operation and maintenance. I just raise that for discussion. It may be unnecessary.

Mr. MORRIS. I believe we can safely leave that in at this time, because we will have to deal with the Senate on it in conference. You do raise a very important matter, which should be carefully considered.

Mr. BARRETT. Could we report the bill out now?

Mr. MORRIS. We have not yet. Do I hear a motion with regard to reporting the bill? If so, what is the motion?

Mr. MURDOCK. Mr. Chairman, I move that the bill be reported to the full committee favorably as amended.

Mr. WHITE. I second the motion.

Mr. LEMKE. I second the motion.

Mr. MORRIS. It has been moved and seconded that the bill as amended be reported favorably to the full Committee on Public Lands.

All in favor let it be known by saying "aye."

(General response of "aye.")

Mr. MORRIS. Opposed "no."

(No response.)

Mr. MORRIS. The motion prevails unanimously, and the bill is so reported.

Mr. LEMKE. And the chairman will report the bill to the full committee today?

Mr. MORRIS. Yes, sir; we would like to report it in a few minutes if we can.

(Thereupon, at 10:10 a. m., Tuesday, May 3, 1949, the hearing was concluded.)



PROVIDING FOR THE RATIFICATION BY CONGRESS OF A CONTRACT FOR THE PURCHASE OF CERTAIN INDIAN LANDS BY THE UNITED STATES FROM THE THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.

MAY 9, 1949.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LEMKE, from the Committee on Public Lands, submitted the following

REPORT

[To accompany H. J. Res. 33]

The Committee on Public Lands, to whom was referred the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, having considered the same, report favorably thereon with amendments and recommend that the joint resolution as amended do pass.

The amendments are as follows:

Page 20, line 18, strike out the first "East" and insert in lieu thereof "West".

Page 69, line 11, capitalize the word "land".

Page 69, line 12, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative".

Page 69, line 16, delete the second "d" from the word "period".

Page 70, line 4, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative".

Page 70, lines 12 to 14, strike out the following sentence:

Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section.

Page 70, line 25, strike out the word "all" and insert in lieu thereof the words "any and all claims which they may have for".

Page 71, line 2, insert before the semicolon the words "by reason of the construction and operation of Garrison Dam and Reservoir project, North Dakota".

Page 71, line 2, insert after the word "the" the words "disregard or".

Page 72, line 2, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative".

Page 72, line 3 to 23, strike out all of section 5 and insert in lieu thereof the following:

SEC. 5. When electric power is available from the Garrison Dam, there is hereby reserved and set aside a block of power of 20,000 kilowatts for sale and distribution by the Three Affiliated Tribes for use of such power on the residual Fort Berthold Reservation as it may be extended. This block of power shall be delivered at such point or points on the reservation and at such voltage as may be determined by the Secretary of the Interior. Payment shall be made for the power actually used at the lowest wholesale rate or rates, applicable to the same class of service, made available to other customers receiving electric power from the Garrison Dam power plant. The transmission and distribution system necessary for the delivery of such block of power to the customers of the said Three Affiliated Tribes shall be constructed from time to time as needed by the said Tribes, with funds made available therefor by the United States without cost to the said Tribes, and there is hereby authorized to be appropriated from time to time such sums as may be required for the construction of the said distribution system to make available to the customers of the said Three Affiliated Tribes the block of power herein reserved to them. The rates for the sale of the power by the Three Affiliated Tribes shall be subject to approval by the Secretary of the Interior. Until such time as the said Three Affiliated Tribes shall require all of the electric power reserved to them, any amount in excess of that actually required by the said Three Affiliated Tribes shall be available to the Secretary of the Interior for sale or disposition off the Fort Berthold reservation as extended.

Page 73, lines 1 to 8, strike out the following:

within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future.

Insert in lieu thereof the following:

for any Indian individual or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction.

Page 73, lines 22 to 23, strike out the date "July 31, 1947" and insert in lieu thereof "May 20, 1948".

Page 74, lines 7 to 12, strike out the colon and remainder of the section and insert a period after the word "Tribes".

Page 74, line 15, after the word "when" insert the words "accepted by the Tribal Business Council of the Three Affiliated Tribes and".

Page 74, line 20, change the period to a colon and insert the following:

Provided, That no funds authorized in this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by a majority of the adult members of said tribes as accepting payment authorized by this Act as "full, complete and final settlement of all rights, interest, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of Garrison Dam and Reservoir Project, North Dakota."

Page 75, add the following new section:

SEC. 12. Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or

exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereafter authorized by law for the sale or exchange of lands owned by such Tribes or members thereof.

EXPLANATION OF THE BILL

The purpose of this proposed legislation is to reimburse the Indians of the Fort Berthold Reservation in North Dakota for lands taken by the United States for the Garrison Dam and Reservoir project. House Joint Resolution 33 is endorsed by the Department of the Interior, the majority of the members of the Three Affiliated Tribes of the Fort Berthold Reservation, and the Members of Congress from North Dakota.

Garrison Dam is a multiple-purpose dam in connection with the Missouri River Valley project. It is an important link in the development of the Missouri River Basin and will be of primary benefit to flood control and navigation. Its site was chosen because of the great stretch of bottom land beginning 20 miles downstream from the Fort Berthold Reservation line and extending upstream to Williston, N. Dak. Into this basin will flow all the water of the Missouri and Yellowstone Rivers. Although navigation and flood control are the primary purposes of Garrison Dam, hydroelectric power and irrigation will, in the long run, pay for the dam and all damages occasioned to individuals.

The Garrison project is deemed necessary by the Government, but its construction will result in the flooding of a quarter million acres of rich bottom land. The Fort Berthold Indians will be forced to vacate 155,000 acres of their land—land located in the heart of the reservation, and land on which the Indians have lived for 100 years. The so-called Three Affiliated Tribes—the Arikara, Gros Ventre, and Mandan Indians—of the Fort Berthold Reservation have built for themselves a strong and growing cattle industry and steadily expanding agricultural program. At this time, they are in sight of complete economic independence. Now, through no action of the Indians, they must give up their homeland. Their homes will be lost, their cattle industry will be ruined, their churches and their schools, and their social life will be completely disrupted. The residue of their lands will be reduced to a small fraction of the present value.

The only hope that these Indians, 2,215 in number, can possibly have is that the Federal Government will compensate them in money and in addition furnish such services as are necessary to obtain a sufficient degree of reconstruction. Thus they will be enabled to make a new start in life and once again begin the hard climb to reach the point of development which they, themselves, at this time have achieved. The enactment of House Joint Resolution 33 will help accomplish that purpose.

House Joint Resolution 33 calls for an appropriation of \$14,605,625. That includes the original appropriation of \$5,105,625 granted in the War Department Civil Functions Appropriation Act of July 31, 1947. Another \$3,000,000 is allowed as a land-readjustment fund and the sum of \$6,500,000 is granted as additional indemnifying compensation.

The Committee on Public Lands feels that \$14,605,625 is small compensation for the disruption forced upon the 2,215 Indians. A conservative estimate of the basic value of the lands and their annual

use value is approximately \$21,981,000. Therefore, the United States, by making the settlement at \$14,605,625, will obtain the reservoir right-of-way at about two-thirds of its basic value and its annual use value to the Three Affiliated Tribes.

The favorable report of the Department of the Interior is set forth below as appendix I of this report. House Joint Resolution 33 is explained in detail in the Department's communication.

Certain clarifying amendments proposed by the Department of the Interior have been adopted by the committee. The committee also has adopted an amendment designed to protect the United States against any further demands by the Indians for additional compensation.

The Committee on Public Lands unanimously recommends the prompt enactment of House Joint Resolution 33, as amended.

APPENDIX I

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 28, 1949.

Hon. J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
House of Representatives.*

MY DEAR MR. PETERSON: Further reference is made to your request of January 29 for a report on House Joint Resolution 33, providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., and for other related purposes.

I urge that this measure, with the amendments hereinafter suggested, be enacted at the earliest practicable date.

The passage at the present session of a measure along the lines of House Joint Resolution 33 is greatly needed because of the circumstances in which the Fort Berthold Indians have been placed by the decision of the Congress to construct the Garrison Dam and Reservoir. That dam is being built; it will be completed in 1953. The 300 Indian families who live in the reservoir-taking area must be evacuated by the fall of 1952. Very little time is now left to make plans for their removal and to carry out such plans.

The Congress has shown marked concern that a proper settlement be made with the Indians of the Fort Berthold Reservation. In my view, the provisions of House Joint Resolution 33 embody a reasonably just and equitable settlement. I believe the Indians will accept this settlement as complete and final, although they will do so reluctantly and with heavy hearts. To give up forever the heart of the homeland which has been theirs for generations commands profound sympathy.

Because of the complexity of this matter, I am attaching to this letter a memorandum of information which explains in detail the terms of the proposed settlement and the facts justifying those terms.

House Joint Resolution 33 consists of two distinct parts:

1. Section 1 (pp. 1 to 69) contains the contract between the Three Affiliated Tribes and the United States, executed May 20, 1948, in accordance with the act of July 31, 1947 (61 Stat. 686, 690).

2. Sections 2 to 11, inclusive (pp. 69 to 75), contain various supplementary authorizations which would be added to the contract settlement, in lieu of the right of the Indians to bring suit in the Court of Claims as authorized by the act of July 31, 1947, cited above.

The act of July 31, 1947, appropriated \$5,105,625 to compensate the Fort Berthold Indians for certain items of damage to be sustained by them through the construction of the Garrison project, but provided that this money should not become available to the Indians

unless an appropriate contract relinquishing to the United States the Indian lands within the reservoir area was executed by them and ratified by the Congress, and also provided that suit might be brought in the Court of Claims for additional items of damage asserted by the Indians. In the contract negotiations, representatives of the Indians strongly expressed the view that the amount stated in the act would not be full compensation for their losses. At the same time, they were reluctant to have consideration of their claims for additional compensation deferred until a suit could be brought in the Court of Claims. However, they did on May 20, 1948, execute the contract on the limited basis of \$5,105,625, because they felt that they were helpless to do otherwise. At the insistence of the Indians, article I of the contract contains a clause by which the Three Affiliated Tribes reserve the right to pursue further their claims against the United States, by petitioning the Congress, as well as by litigation.

When in the Eightieth Congress the negotiated contract was introduced for ratification, additional appropriation authorization sections, similar to those now appearing in House Joint Resolution 33, were contained in the ratifying measure. A hearing on this earlier measure (S. J. Res. 224, 80th Cong.) was held on June 5, 1948, by the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs. Members of the Subcommittee on Indian Affairs of the Public Lands Committee of the House of Representatives also participated in this hearing. The proceedings indicated a substantial unanimity of opinion to the effect that the Congress should provide for a definitive settlement with the Three Affiliated Tribes, which, in addition to the ratification of the contract of May 20, 1948, would grant them adequate compensation for all of the property and other rights being taken by the United States for the Garrison project.

The present joint resolution is designed to provide such a settlement in lieu of the more protracted and less certain remedy of a suit in the Court of Claims. Section 9 reads as follows:

The foregoing conditions and requirements, and the funds made available and those authorized to be appropriated in this joint resolution, when appropriated, shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

Viewing House Joint Resolution 33 as a whole, it contains three principal appropriation authorizations, as follows:

1. The contract appropriation (secs. 1 and 7)-----	\$5, 105, 625
2. Land readjustment fund (secs. 2 and 3)-----	3, 000, 000
3. Additional indemnifying compensation (sec. 4)-----	6, 500, 000
Total-----	14, 605, 625

In addition, section 5 would reserve some 20,000 kilowatts of electric power from the Garrison project for the use of the Three Affiliated Tribes, and would provide for the construction by the United States of an electric transmission and distribution system on the Fort Berthold Reservation for their benefit. This undertaking would involve a future expenditure which, in terms of the present value of the commitment, would amount to approximately two and one-half million dollars. Thus, the benefits to the Indians, under the settlement now proposed, would total about \$17,000,000.

Before considering the adequacy and justification of a settlement defined in these monetary terms, it is best to recapitulate briefly the effects of the Garrison taking on the Fort Berthold Reservation and its people.

Under the treaty of 1851, 12,500,000 acres were set aside as a reservation for the Mandan, Gros Ventre, and Arikara Tribes. This area has been diminished until at present the reservation comprises some 585,000 acres. By reason of the construction of Garrison Dam, the area will be further reduced to some 430,000 acres. The Indian population of the Three Affiliated Tribes is 2,215. The taking of 155,000 acres of the best land of the reservation is a severe blow to them. The Indians have suffered great emotional stress because of the imminent upheaval of their economic, social, and community activities. This is readily understandable, considering that their feeling of security under their treaty with the United States is gone.

The reservoir that will result from the building of the dam will destroy the best fertile land on the reservation. This land is accessible to the river, it possesses outcrops of lignite, it is the choice area for dwellings, it possesses the only timber on the reservation, it has a shallow underground water table that affords easy accessibility to water for domestic use, and it is the only area providing protective winter range for the Indian cattle industry, which forms the principal means of livelihood for the people on the reservation.

At the present time the Indians own in excess of 7,000 head of cattle, an increase since 1938 of more than 3,000 head. The present reservation bottom lands which will be flooded afford year-long grazing for the Indians' cattle. The taking of these lands will deprive the Indians of winter range and will cause a drastic reduction in the carrying capacity of the reservation. The loss of the winter range and the protection afforded by the timber thereon will require a complete realinement in the grazing activities. It will necessitate increased costs for winter feeding and the provision, at large expense, of proper winter shelter for the cattle against the subzero temperatures of the region left within the reservation after the flooding of the sheltered bottom lands. Another item of economic loss will be the timber areas within the flow line of the reservoir, which, in addition to providing lumber, also afford fuel, house logs and fence posts, for domestic purposes.

The Garrison Reservoir will flood not only the main valley of the Missouri River within the Fort Berthold Reservation, but also the valleys of the Little Missouri, Shell, and Lucky Mound Creeks, severing the residual reservation into five water-bound segments. This will effectually isolate the residents of each segment, cutting all direct transportation and communication except by water. This segmentation of the residual reservation will force radical changes in the entire economic and social life of the Indians, and in the administration of their affairs.

Many of the Indians live on allotments within the bottom land in which they have only an undivided interest with many other Indians. Others live on allotments owned by relatives, which they are permitted to occupy by courtesy, following Indian custom. A great part of the bottom lands consists of the allotments of old people who received their allotments in this choice part of the reservation when the first allotments were made. The taking of the bottom

lands, therefore, will not be a simple matter of individuals selling their farms or losing their leases and moving to other farms, as is usually the case among non-Indians. It involves a group problem, where land ownership and use is confused and inextricably entwined by Indian custom, and by the complications resulting from the fact that the land holdings of many of the Indians consist of fractional undivided interests, acquired by inheritance, in several separate allotments. Those Indians who are living with relatives on land to be taken, and who have little or no actual title interest in that land, will be required to remove from their present living quarters without receiving sufficient compensation to provide for the acquisition of new homes. This creates in itself a serious housing problem.

The provision of a relocation program for the complete economic and social rehabilitation of the entire group of Indians is an enormous task. A considerable period of rehabilitation will be required for the displaced Indian people to acclimate and readjust themselves in their new surroundings. The taking involves all the nine communities of the reservation in whole or in part, and the disruption of these communities will have great disorganizing effect. The removal of people from neighborhoods where strong social relationships and cooperation have been established, and their resettlement where none of these relationships and cooperation exist will deeply undermine their sense of security. Nor is this disruption confined to the home life. It involves church, social, and almost all community activities. Existing churches, cemeteries, schools, and public facilities must be relocated. Even though part of the displaced families will resettle on the existing diminished reservation, others will have to resettle on lands acquired for them elsewhere, since 155,000 acres of the reservation lands will be lost.

It is facts such as these which justify the elements of compensation contained in House Joint Resolution 33. The principal ones are outlined below.

1. *The contract appropriation.*—The contract of May 20, 1948, is based on the appropriation of \$5,105,625 contained in the act of July 31, 1947, and provides for three classes of expenditure, namely, (1) payment of the fair market value of the tribal and allotted lands taken for the reservoir, (2) payment of the cost of removing the Indians from the reservoir-taking area, and (3) payment of the cost of relocating cemeteries. If these three costs, when determined, are less than \$5,105,625, the Indians are to retain the unexpended balance as tribal funds; if these three costs, when determined, exceed \$5,105,625, the United States is committed to appropriating the deficit.

The Commissioner of Indian Affairs is made responsible for (1) making the necessary appraisals of the lands taken, (2) preparing a plan for removing the Indians, (3) preparing a plan for removing the cemeteries, and (4) preparing a plan for the use of the shore line of Garrison Reservoir within the reservation. If and when the appraisals and these respective plans are approved by the Army Chief of Engineers, the Commissioner is made responsible for the administrative execution thereof. If the Indians reject the appraisals placed on any or all of their lands, the right to seek judicial determination in the Federal courts of the just compensation due for such lands is reserved to them.

Proceeds received by the Three Affiliated Tribes for tribal lands are to be held in trust, but may be expended to acquire lieu lands or other tribal property. Proceeds received by individual members of the tribes are to be deposited in individual Indian money accounts at the agency and expenditures therefrom are to be made by the superintendent under regulations of the Secretary of the Interior.

The Indians may salvage standing timber free of charge until October 1, 1950, and their improvements until October 1, 1952. Their hunting and trapping rights within the taking area are reserved, but they consent to having the fishing regulations established for Garrison Reservoir apply to them. Any subsurface values discovered in the future within the lands involved are to be compensated for through royalties. The contract, when ratified, is to constitute a conveyance to the United States of the fee titles to all the tribal and allotted lands within the taking area.

2. *Land readjustment fund.*—Sections 2 and 3 of the joint resolution authorize an appropriation of \$3,000,000 to establish a land readjustment fund. This fund is to be used for consolidating the land holdings of the Three Affiliated Tribes and the members thereof into economic-use units, and in purchasing land for needy members of the tribes. Money in the fund may be used to acquire, by purchase or exchange, allotted, inherited, or unrestricted lands, as well as interests in lands and improvements, within the Fort Berthold Reservation. Lands so acquired may be disposed of, through sale or exchange, to individual Indians. Proceeds derived from the Garrison land taking may be used by individual members of the tribes to purchase lands acquired by use of the fund. To care for needy members, lands obtained through the operation of the fund may be placed in tribal ownership for assignment to such persons. The fund is to be administered by the Commissioner of Indian Affairs and its operation terminated at the end of 10 years. Any unexpended balance in the fund at the end of the 10-year period is to be returned to the Treasury. Any lands which have not been deeded to members are to be held by the United States in trust for the tribes, and are to be nontaxable and nonalienable until otherwise provided by Congress.

Allotment of tribal lands to individual Indians on the Fort Berthold Reservation began in 1895, was carried out through the making of four separate groups of allotments at various times, and has created the following conditions: (1) Approximately 50 percent of the allotted lands are in heirship status, but 75 percent of the bottom lands (largely allotted in 1895) are in that status. These are precisely those lands which lie within the Garrison Reservoir right-of-way. Most individual Indians today have interests within two and sometimes three of the four allotment groups, and most families have interests in all four. (3) While the allotments are scattered throughout the entire area of the reservation, the family groups have, through one means or another, located their homes on the bottom lands—i. e., within the Garrison right-of-way. (4) Through fractionization of the individual holdings, it has been difficult for the Indians to use their lands themselves, with the result that 340,000 acres are being leased or permitted to non-Indians. (5) In spite of the pattern of allotment, the Indians have succeeded in building their economy on a strip of 241,000 acres on both sides of the river. From this strip, the flooding of the reservoir area will take out of the heart, 155,000

acres. (6) For each acre of allotted land owned in the Garrison right-of-way, the Fort Berthold Indians own 3 acres on other parts of the reservation. (7) No individual, or even family, will receive compensation for the lands taken for the right-of-way in an amount sufficient to buy a new farm or ranch unit, unless the value of the lands owned outside of the right-of-way can be realized, or unless land holdings can be consolidated. (8) Removed Indians will not be able to establish satisfactory farm or ranch units on the residual reservation unless an extensive reservation-wide program of exchange and reconsolidation is undertaken.

The only practical approach to this problem is the creation and operation of the proposed land readjustment fund. One major use of this fund would be to purchase lands in the residual reservation from Indians who want to relocate outside of the reservation. By adding together the compensation obtained for the taking of land in the reservoir right-of-way and the proceeds derived from the sale of land in the residual reservation to the fund, the means would be provided whereby a number of Indian families could buy a new farm or ranch, or acquire some other business enterprise, off the reservation. Another major use of the fund would be to purchase lands in the residual reservation, either from Indians or from white patentees, in order to block up consolidated, family-size, economic units for farm or ranch purposes. A third would be to acquire lands for tribal assignment to landless Indians who must remove from the right-of-way.

An appropriation of \$3,000,000, as provided for in House Joint Resolution 33 should be adequate to establish a land readjustment fund for the purposes described above. For the most part, this sum would be used to acquire various categories of land within the reservation boundaries as a land base from which sales and exchanges could be made in order to create economic farm and ranch units to be disposed of under trust patents. The fund could also be used to acquire for the Three Affiliated Tribes low-grade allotted lands which can be effectively utilized only in large blocks as community pastures.

3. *Additional indemnifying compensation.*—Although the contract of May 20, 1948, contains several concessions not usually allowed in condemnation proceedings, it is clear that the contract does not provide compensation for all of the elements of value inhering in the lands to be taken. Thus, the stand of timber has a real value to the Indian economy which is in excess of its "fair market value." Similarly, certain lands in the taking area which are now potentially irrigable will not be paid for in terms of the additional value which such lands should command by reason of this potentiality. Finally, and most important of all, the segmentation of the residual reservation into five water-separated areas destroys the geographical homogeneity of the Indians' land base. The severance damages included in the appraisal under the contract will relate only to the severance of individual tracts. Severance of the reservation base, a far more serious and significant effect of the taking, will not be paid for under the contract. A conservative evaluation of these losses indicates that the additional compensation which should be paid therefor would be about \$3,260,000 (for details see paragraph E, II, 1 of the accompanying memorandum of information).

It is also clear that the contract will not provide sufficient funds with which to carry out a proper removal and reestablishment of the

Fort Berthold Indians. The net effect of the Garrison project on the Fort Berthold Indians will be to wipe out virtually all of the progress which they have made in the past three generations. It will be necessary for them to construct a new economy and develop new habits of life. The additional funds necessary to help them in re-establishing their basic livestock and farming economy on the residual segments of the reservation; to assist a number of families in removing entirely from the reservation; and to support a proper vocational educational system for the future which will prepare a certain portion of the younger generation to make their living away from the reservation are conservatively estimated at \$3,150,000 (for details see paragraph E, II, 2 of the accompanying memorandum of information).

The appropriation of \$6,500,000 that would be authorized by section 4 of House Joint Resolution 33 is intended to be equivalent to the values not compensated for under the contract, plus the additional funds required for full rehabilitation of the economy and social structure of the Fort Berthold Indians. In my view, the amount stipulated in section 4 is not excessive and would fairly compensate the Indians for the claims reserved under the contract of May 20, 1948, that would be extinguished by section 9 of the joint resolution. The property losses and other injuries that must be borne by the Fort Berthold Indians are being brought about at the instance of the United States Government for the advantage, protection, and interest of a large and populous region of the United States. The benefits of the Garrison project to a considerable degree are to be gained at the expense of the members of the Three Affiliated Tribes, most of whose property is held in trust by the United States and whose welfare is still a Federal responsibility. In the circumstances, the United States must acquit itself of the charge that it is proceeding with this public work in violation of solemn treaties and other promises, and without due regard for the welfare of its Indian citizens. Every effort should be made on the part of the United States to see that the injuries sustained by the Indians are mitigated to the fullest possible extent, and that they are given the means for making a good life in their new locations.

4. *Reservation of Garrison Electric Power.*—One of the important measures which can be used to promote the rehabilitation of these displaced people is the setting aside for their benefit of a block of power from the power development at the Garrison Dam. The fact that the 155,000 acres of land being taken from the Fort Berthold Indians forms an integral part of the reservoir required in the development of the electric energy at Garrison Dam, and the further fact that the advancement of the new communities which the Indians must establish will depend to a substantial degree upon the availability of low-cost hydroelectric power, amply justify such a reservation. This is provided for in section 5, appearing on page 72 of the joint resolution.

As now drafted, section 5 requires the reserved block of power to be sold to the Three Affiliated Tribes at a rate not exceeding 2 mills per kilowatt-hour. This rate is lower than the present estimated cost of the power at Garrison Dam. To give a preferential rate at less than cost to particular users would be contrary to one of the most important tenets of the general power policies established by the Congress. On the other hand, section 5, as now drafted, makes no pro-

vision for the construction of a transmission and distribution system on the reservation in order that the power so set aside may be put to use when it becomes available. To meet these problems, and for purposes of clarification, it is recommended that section 5 of House Joint Resolution 33 be amended to read substantially as follows:

SEC. 5. When electric power is available from the Garrison Dam, there is hereby reserved and set aside a block of power of 20,000 kilowatts for sale and distribution by the Three Affiliated Tribes for use of such power on the residual Fort Berthold Reservation as it may be extended. This block of power shall be delivered at such point or points on the reservation and at such voltage as may be determined by the Secretary of the Interior. Payment shall be made for the power actually used at the lowest wholesale rate or rates, applicable to the same class of service, made available to other customers receiving electric power from the Garrison dam power plant. The transmission and distribution system necessary for the delivery of such block of power to the customers of the said Three Affiliated Tribes shall be constructed from time to time as needed by the said Tribes, with funds made available therefor by the United States without cost to the said Tribes, and there is hereby authorized to be appropriated from time to time such sums as may be required for the construction of the said distribution system to make available to the customers of the said Three Affiliated Tribes the block of power herein reserved to them. The rates for the sale of the power by the Three Affiliated Tribes shall be subject to approval by the Secretary of the Interior. Until such time as the said Three Affiliated Tribes shall require all of the electric power reserved to them, any amount in excess of that actually required by the said Three Affiliated Tribes shall be available to the Secretary of the Interior for sale or disposition off the Fort Berthold reservation as extended.

The present value of the distribution system to be constructed by the Government under this proposed revision is estimated at about \$2,500,000, taking into consideration the fact that it may be 20 years or more before the reserved block of power can be utilized entirely by or for the Three Affiliated Tribes, and before all of the distribution facilities to be provided at the expense of the Government will need to be constructed.

Section 6 of House Joint Resolution 33 would require the making of a comprehensive survey of the irrigation potentialities of the lands remaining within the Fort Berthold Reservation, and would authorize the undertaking of such irrigation developments as this investigation may show to be feasible. However, the possibilities for irrigation on the residual lands are small, and any developments that were undertaken pursuant to this section would be on a reimbursable basis. For these reasons, it is not believed that any pecuniary value can be assigned to section 6.

The various items of consideration authorized in the contract of May 20, 1948, and in the supplemental provisions of House Joint Resolution 33 add up to a sum in the neighborhood of \$17,000,000. I believe that these benefits are well within the amounts that should be provided for the Indians if they are to receive an adequate and just recompense for the rights and properties they are giving up to the United States. In this respect it is well to bear in mind that the Indians would much prefer to retain their existing reservation intact. In the discussions preceding the execution of the contract, they expressed the belief that it would require \$30,000,000 to compensate them properly for what is being taken from them. If they are willing to accept the lesser benefits provided for in the contract and in House Joint Resolution 33, I believe the approval of this compromise would be to the best interests of the United States.

The following amendments are recommended in order to clarify and perfect certain provisions of the joint resolution:

(1) On page 20, line 18, strike out the first "East" and insert in lieu thereof "West".

(2) On page 69, line 11, the word "land" should be capitalized.

(3) On page 69, line 12; page 70, line 4; and page 72, line 2, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative".

(4) On page 69, line 16, the second "d" should be deleted from the word "period".

(5) On page 70, lines 12-14, strike out the following sentence:

Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section.

(6) On page 70, line 25, strike out the word "all" and insert in lieu thereof the words "any and all claims which they may have for".

(7) On page 71, line 2, insert before the semicolon, the following words "by reason of the construction and operation of Garrison Dam and Reservoir Project, North Dakota".

(8) On page 71, line 2, insert after the word "the" the following words "disregard or".

(9) On page 73, lines 1-8, strike out the following:

within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future.

and insert in lieu thereof the following:

for any Indian individual or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction.

(10) On page 73, lines 22-23 strike out the date "July 31, 1947" and insert in lieu thereof "May 20, 1948".

(11) On page 74, lines 7-12, strike out the colon and remainder of the section and insert a period after the word "Tribes".

(12) On page 74, line 15, after the word "when" insert the following words "accepted by the Tribal Business Council of the Three Affiliated Tribes and".

(13) The following new section should be added for clarifying purposes:

SEC. 12. Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereafter authorized by law for the sale or exchange of lands owned by such Tribes or members thereof.

It is most desirable that favorable action be taken on House Joint Resolution 33, with the suggested amendments, at an early date. The funds appropriated by the act of July 31, 1947, cannot be made available for the purpose of aiding the Indians to remove from the reservoir area until the contract of May 20, 1948, has been ratified by the Congress. The other funds necessary to mitigate the effect of this disruption of the

Indians' way of life cannot be obtained until the proposed settlement with them has been authorized by legislation. Construction of the Garrison project, however, is progressing as planned, and in due course the dam will be completed and the reservoir filled with water. It is necessary that the money due the Indians be made available without delay so that their relocation may be effected and their economy re-established as soon as practicable. Otherwise, we may find them remaining in their homes, with no place to go, at the time the reservoir is filling with water.

Due to the imminence of hearings, this report has not been submitted to the Bureau of Budget for approval. Therefore, no commitment can be made as to the views expressed therein to the program of the President.

Sincerely yours,

J. A. KRUG,
Secretary of the Interior.

MEMORANDUM OF INFORMATION ON SENATE JOINT RESOLUTION 11
AND HOUSE JOINT RESOLUTION 33, PROVIDING FOR THE RATIFI-
CATION BY CONGRESS OF A CONTRACT FOR THE PURCHASE OF CER-
TAIN INDIAN LANDS BY THE UNITED STATES FROM THE THREE
AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.,
AND FOR OTHER RELATED PURPOSES

A. INTRODUCTION

This joint resolution undertakes to provide a complete and final settlement with the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., in consideration of the taking of their lands for the Garrison project. Efforts to effect settlement have been prosecuted since 1946 and have been the subject of wide public interest. The joint resolution now before Congress contains two distinct elements: (1) The text of an executed contract between the tribes and the United States for \$5,105,625 which has already been appropriated; and (2) supplementary sections principally providing appropriation authorizations for \$3,000,000 to establish a land-readjustment fund, for \$6,500,000 as extra compensation, and for the reservation of 20,000 kilowatts of Garrison electric power for consumption within the residual Fort Berthold Reservation.

B. BACKGROUND OF JOINT RESOLUTION IN EIGHTIETH CONGRESS

The War Department's Civil Appropriation Act, 1948 (Public Law 296, 80th Cong., approved July 31, 1947), appropriated \$5,105,625 for the acquisition of the lands and rights of the Three Affiliated Tribes within the taking line of the Garrison Reservoir within the Fort Berthold Reservation, including all elements of value above or below the surface thereof and including all improvements, individual tract severance damages, and reestablishment and relocation costs. The appropriation was made available, however, on condition that a contract between the United States and the tribes should be negotiated and approved by a majority of the adult members of the tribes. It was specified that the contract should provide for the conveyance of the lands and interests to be taken, should set out the use, distribu-

tion, and disbursement of the appropriation, and should be submitted for the approval of the Congress on or before June 1, 1948. Finally the act provided that, notwithstanding the said contract, the tribes were authorized to bring suit in the Court of Claims as provided in section 24 of the act of August 13, 1946, on account of additional damages, if any, alleged to have been sustained by the said tribes by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation on account of any treaty obligation of the Government or any intangible cost of reestablishment or relocation, for which the said tribes are not compensated by the said \$5,105,625.

Section 1 of the joint resolution incorporates the contract which was entered into by the tribes on May 20, 1948, in accordance with the provision of the War Department's Civil Appropriation Act, 1948, for all elements of value above and below the surface of the land to be taken. Sections 2 to 10 contain a series of supplementary clarifications, considerations, and appropriation authorizations proposed as final payments in lieu of a future suit in the Court of Claims as authorized in the said War Department Appropriation Act. Section 11 authorizes appropriations to carry out the joint resolution.

The conditions specified by Public Law 296 in regard to the negotiation and approval of the contract were fully met. The contract was freely negotiated by the tribal business council with the Chief of Engineers and his deputies in Washington, D. C., in January and February 1948. The council was assisted by the tribal attorney, Mr. Ralph H. Case, of Washington, D. C. The Acting Commissioner of Indian Affairs and his deputies participated in the negotiations. The draft contract was subsequently submitted by the tribal business council to the members of the tribes at a series of community meetings at which its terms were explained and discussed. Individual signatures to the contract were taken by the council, totaling 625, or 65.1 percent of the total population of adult members of 960. A certificate attesting to these facts executed by Mr. Mark Mahto, secretary of the tribal business council, and by Mr. Ben Reifel, superintendent of the Fort Berthold Agency, is appended to the contract. The tribal business council witnessed its approval of the contract in Washington on May 20, 1948, in the presence of the Secretary of the Interior, who concurred in its terms. The Chief of Engineers, United States Army, acting for the United States, had (prior to May 20, 1948) formally affixed his signature, and after that date, but before June 1, 1948, submitted the contract to the Congress for ratification. The contract, as required by Public Law 296, sets out the use, distribution, and disbursement of the appropriation of \$5,105,625. Thus, compliance with all the conditions specified by the Congress in Public Law 296 has been effected.

In the course of the contract negotiations, the tribal business council laid claim to financial and other considerations not encompassed by the authority granted by Public Law 296. These additional claims are incorporated in the joint resolution and represent the full scope of the settlement to which the Indians believe they are entitled. The enactment of these sections would constitute a complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes (sec. 9) and would negate the right to bring future suit in the Court of Claims, as authorized by Public Law 296.

The subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, United States Senate, conducted a public hearing on Senate Joint Resolution 224 on June 5, 1948. Counsel of the Three Affiliated Tribes and representatives of the Corps of Engineers and of the Bureau of Indian Affairs were present and testified. This joint resolution, like that now pending in the present session of Congress, contained the text of the executed contract together with supplementary appropriation authorizations. The hearing, which was presided over by Senator Arthur V. Watkins, chairman of the subcommittee, emphasized the desirability of making one final settlement with the Three Affiliated Tribes and not leaving any unsatisfied claim open for future controversy. Senator Watkins thoroughly opposed settlement of the issue by an additional bill, stating that "I want to settle it in this one." The joint resolution was not acted on prior to adjournment, but the discussion at the June 5 hearing stimulated subsequent study by the tribal business council. The joint resolution now under consideration represents the matured claims of the council, developed with the cooperation of the North Dakota congressional delegation, the tribal attorney, and the Indian Bureau.

C. SALIENT FACTS ON THE TAKING OF FORT BERTHOLD LANDS

I. PHYSICAL EFFECTS

In authorizing the construction of the Garrison project, the United States is withdrawing 80 miles of the Missouri River Valley in the Fort Berthold Reservation, incorporating 155,000 acres. This leaves a residual reservation of 430,000 acres for the present enrolled population of 2,215. This withdrawal is the latest in a series of forced takings from the original reservation of 12,500,000 acres set aside for the Mandan, Gros Ventre, and Arikara in 1851. It is a blow that has caused naturally great emotional reaction and anxiety. The land which the reservoir takes is the best land of the reservation. It is the heart of the reservation, fertile, partially timbered, accessible to a shallow water table and the river, and possessing outcrops of lignite. It is the choice area for dwelling and conducting cattle operations. The taking area, in fact, consists of the majority of land on which the Indians live and make their living.

The reservoir as it fills up will not only flood the main valley but also flow into the valleys of the Little Missouri, Shell, and Lucky Mound Creeks, severing the residual reservation into five water-bound segments. This will effectively isolate the residents of each segment, cutting all direct transportation and communication, except by water in the summer months. The segmentation of the physical organization of the reservation forces radical changes in the entire economic, social, and administrative structure.

II. ECONOMIC EFFECTS

The Indians have a cattle herd of 6,839 head which they have increased from 3,141 since 1938. These they graze on a strip of 240,000 acres along and adjacent to the bottom lands which are to be flooded. This low and timbered area protected from the winds affords excellent winter pasture. The loss of the majority of this range will force the Indians to graze their cattle yearlong on the

upland plains which afford few protected areas and enforce a much greater amount of expense of feeding. The whole cattle industry must be reorganized to be adjusted to the separate ranges on the five residual segments.

The reduction of the reservation area will drastically reduce the carrying capacity of the reservation and upset the balance of winter and summer ranges that exists at present. Although the residual reservation will carry the presently owned cattle of the Fort Berthold Indians and allow theoretically an increase of 77 percent, it has not been estimated to what degree this expansion will be limited by lack of practical winter-grazing areas. One hundred and fifty families could operate theoretical cattle herds of adequate size for self-support on the residual reservation, which would take care of 65 percent of the population, exclusive of those who expect to leave the reservation. Little opportunity would be left for livestock production by any of the remainder of the population or future increase.

The timber in the bottom lands provides the house logs, fence posts, and especially the firewood for the Indian population. This inestimable asset will be destroyed by the reservoir. Although there will be compensation for the loss of this resource, there will be little or no lumber and wood supply on the reservation in the future. Many outcroppings of lignite are now utilized for home consumption and for some sale. Whereas there probably exists a potential lignite resource under the residual reservation, its accessibility is not the same as it is in the taking area. Similarly, the underground water sources, easily accessible in the bottom lands, are buried at greater depths and unavailable except at great expense in location and drilling.

The timber- and brush-covered lands along the rivers and creeks being withdrawn for the reservoir are the habitat of deer and other game and the source of many wild foods upon which the Indians have depended for generations. They form an essential part of the food supply of many families and supplement the small cash incomes derived from cattle and seasonal wage work. This very important asset will be lost as the game is driven to other protected areas and the fruit-bearing bushes cleared before flooding.

An integral part of the disastrous effect upon the economy is the effect of the withdrawal of these reservation lands upon land ownership, land use, and particularly the land resources of individual families. The land of the taking area within the reservation is not owned or divided into individual farms or parts of farms as is the rural area outside the reservation. Land on the reservation is owned as allotments by individuals, by heirs who own only interests in allotments, and by the tribes. The land is not used as individual tracts. Much of it is pooled in common community ranges; much of it is idle. Individuals do not farm extensively the allotments they own, but only small plots. Many people live on land on which they have only an undivided interest. Others live on land only by courtesy of relatives, following Indian custom. The greater part of the land is owned by old people who were alive when bottom lands became the first part of the reservation to be allotted. When the land is withdrawn, it will not be a matter of individuals selling their farms or losing their leases and moving to other farms as among the whites, but a problem of a group whose land ownership and use is confusedly and inextricably entwined by Indian custom and the complications of inheritance im-

posed by Federal regulations. The majority of the payments will go to older Indians who will have little interest in reinvesting in other lands. Heirs will receive little with which to reestablish themselves as they are now living. Many will be forced to remove from the lands where they are now living and receive no payments.

The removal will result in a complex relocation program for the entire group and its complete economic and social rehabilitation. It is anticipated that a large number of the relocated families will require support during the period of rehabilitation. In order to accomplish a sound and permanent rehabilitation, any household planning to ranch or farm must be provided with an adequate amount of land. This will require the consolidation of the allotments and scattered interests in inherited allotments into units which can be operated economically and efficiently. Due to the limited amount of land and the topography of the reservation, grazing ranges will have to be established for joint use.

The total economic effect of the withdrawal of the reservation bottom lands for the Garrison project will be to force the Indians from a partial and traditional subsistence economy based on their natural resources to an almost complete cash economy, entailing far greater daily work and expense. The difficulties of this readjustment will be realized only when the Indians come face to face with their new condition. The second over-all effect will be to force the Indians to reorganize the ownership and use of their land holdings in the five residual segments. Funds must be made available either in their compensation or by appropriations to meet these inescapable requirements for temporary support and land consolidation.

III. SOCIAL EFFECTS

The withdrawal of reservation lands required for the Garrison Reservoir forces the break-up of all or part of the nine communities on the reservation. This disruption will have the disorganizing and anxiety-producing effects that a sudden and forced break-up of any long-standing and well-integrated group produces. Some communities may be able to move as groups from the flooded area to new sites on the residual segments, but most of them will be torn apart by households going to their residual or newly consolidated land holdings. Taking people from neighborhoods where strong social relationships and cooperation have been established to settle in new groups where none of these relationships and cooperation have been developed, will deeply undermine their sense of security. The extent of such social disorganization that may occur can be estimated from the fact that 289 households of the reservation total of 357, living in 9 communities, will have to reestablish themselves. Due to the fact that the reservoir will divide many household land units, although not directly affect the homes located on them, some 300 or more households may ultimately have to move.

At least 240 of the 289 households have stated in a house-to-house survey that they plan to remain on the reservation. They will have to move to higher areas, more exposed to the severe winter climate of North Dakota. The fertile soil and natural resources to which they have accommodated themselves on the bottom lands, will not be at hand. This change will have a poor social and psychological, as well

as economic, effect. These social changes will also have their influence upon the rapidity and success of the economic rehabilitation of the people. Social rehabilitation will, in fact, become as much a problem to meet as will economic rehabilitation.

The Fort Berthold Indians comprise three tribes, Mandan, Gros Ventre, and Arikara. These tribes have lost much of their significance as separate social units of the reservation. The segmentation of the reservation may serve to strengthen tribal ties by isolating members, especially the Arikara, on separate segments. However, this isolation will also serve to separate the Indians from the far more important political unification of the Three Affiliated Tribes which they have organized under a constitution and bylaws authorized by the Indian Reorganization Act of 1934. This organization provides a tribal business council which directs the political affairs of the people, manages the tribal property and funds, and through a charter, promotes the individual and group agricultural enterprises of the people. The loosening of this organization by the physical separation, and the inability of the council to communicate and meet freely will undoubtedly create a serious handicap to the economic and social development which the Three Affiliated Tribes have manifested in the last 12 years. These Indians form a social, cultural, and racial group within their region of the State and in the State of North Dakota. They will maintain organizations and separateness on this basis whether or not it is recognized in formal organization. The set-back that will occur to the functions of their present organization by the physical breaking up of the reservation will be serious and cannot be underestimated.

These Indians still retain the most important symbols of their native religion, and some of the religious organizations and keepers associated with them. The native religion has been decreasing in significance and active participation in ceremonies is relatively slight. However, the people as a whole have not abandoned their belief in this religion, in the meaning of the sacred shrines and heirlooms, or, especially, in the supernatural powers of this sacred equipment. The removal of shrines, changes of location of the equipment, and break-up of organizations and clans imposed by the removal of the Indians, will have a significant effect upon the Indians' morale, because of the sacred power these hold. Shrines will have to be replaced. There are also several monuments associated with tribal history and structures on the reservation all located in the Taking Area and requiring recreation.

The Taking Area contains 18 official cemeteries with over 1,600 graves, including the Scout Cemetery, a national monument, and four tribal monuments. Uncounted family cemeteries and graves also lie within the Taking Area. The remains in these graves must all be disinterred and reburied in reestablished cemeteries in the residual areas.

IV. EFFECTS ON ADMINISTRATION

The Fort Berthold Agency, with its offices, employees' quarters, boarding-school classrooms, and dormitories, hospital and maintenance shops at Elbowoods, will be completely wiped out by the Garrison Reservoir. Seven community day schools and two farm agent's stations also lie in the reservoir site. The loss of the administrative plant will disrupt the administrative, educational, health, and agri-

cultural extension services. They cannot be replaced as they now exist in the future divided reservation, constituting a loss to the Indians' present way of life. The complete abolishing of the administrative plant creates an opportunity for reestablishment of a modern and efficient administration, but this cannot function as effectively under the decentralized situation created by the division of the reservation into five separate parts with which direct travel and communication is lost.

Every segment in which a number of Indians reside will become in part an administrative entity. Contact with any central agency will be maintained only by long and circuitous travel. Direct contact by the central officers of the reservation with the people themselves, highly essential to their administration and social and economic development, will be greatly reduced.

One effect of the division of the land and people and decentralization of administration, forced by the withdrawal of land from the heart of the reservation, will be to thrust the people into closer relationships with the neighboring off-reservation population and State and county offices. This will have the salutary effect of stimulating Indian assimilation and participation in State affairs. Yet, in order to bring about long-term closer association, there are official and unofficial social barriers which the Indians must overcome. People of different races and social backgrounds living in close proximity are usually charged with greater racial prejudices than if they were separated by some distance and had few personal relationships. Already the Indians and Indian Bureau have experienced definite opposition from local non-Indians and local government departments to Indian participation. Governmental groups and taxpayers fear that acceptance of Indians into social and public institutions will be accompanied by the obligation of the costs, which Indians do not pay if such costs are paid for by land taxes. Even though such costs can be paid by means of Federal contracts, this opposition still functions against the full or large transfer of Indian administration to State and county departments. Some Federal administration must be carried on at least for the relocation and transitional period following the withdrawal of the reservoir site, and this administration will be handicapped by physical effects of the withdrawal.

V. SUMMARY

The salient facts of the withdrawal of land through the middle of the reservation are:

1. That the reservation will be divided physically into five segments, which imposes severe hardships and disorganization upon individuals and families and upon the economic, social, and administrative organization of the Fort Berthold Indians.

2. That the loss of 155,000 acres of their best land creates a severe economic loss in natural resources which cannot be replaced and which imposes limitations on economic development.

3. That the withdrawal of lands and dividing of the reservation create severance or an additional loss by reducing the value of the residual reservation.

4. That at least 289 of the 357 households of the reservation will have to remove, imposing not only the economic and social reestablish-

ment of individual families, but their reorganization in economic enterprises, social groupings, and communities.

5. That the religious life and organization will suffer impairment and that over 1,600 graves in 18 cemeteries, together with the shrines and monuments of the tribe, will require complete removal.

6. That the political and economic organizations which have instigated much recent social and economic development toward tribal and individual self-sufficiency will be greatly impaired and curtailed in effectiveness.

7. That the facilities of the Federal administration will be entirely wiped out, requiring replacement and reorganization.

8. That the preeminent effect will be that the withdrawal of land from the reservation imposes losses that affect the Indians as an economic, social, political, administrative, and religious group, which are over and above the losses that they will suffer as individuals or by families.

These losses, such as the disruption of present land ownership and use pattern, the redistribution and consolidation of lands in order that the people can become rehabilitated economically, enforced by such disruption, and the breaking up of the communities or villages with their established community life, cannot be compensated for merely by payments on an individual or tribal basis for material wealth that is being lost. The taking of 155,000 acres of land has created the taking of many other and more valuable things from the Indians. It is to replace these, as far as possible, in order that life may be reorganized and continued, that additional compensation must be requested of the Congress.

D. SUMMARY OF PROVISIONS CONTAINED IN CONTRACT EXECUTED MAY 20, 1948

I. GENERAL SUMMARY

The contract of May 20, 1948, is based on the appropriation of \$5,105,625 contained in Public Law 296 and provides for three classes of expenditure to be determined by special procedures, namely, (1) for payment of the fair market value of tribal and allotted lands, (2) for payment of cost of removing the Indians from the reservoir taking area, and (3) for payment of cost of removing cemeteries. If these three costs, when determined, are less than \$5,105,625, the Indians are to retain the unexpended balance as tribal funds; if these three costs, when determined, exceed \$5,105,625, the United States is committed to appropriating the deficit.

The Commissioner of Indian Affairs is made responsible for (1) making the necessary appraisals, (2) preparing a plan for removing the Indians, (3) preparing a plan for removing the cemeteries, and (4) preparing a plan for the use of the shore line of Garrison Reservoir within the reservation. If and when the appraisals and these respective plans are approved by the Army Chief of Engineers, the Commissioner is made responsible for the administrative execution thereof. If the Indians reject the appraisals placed on any or all of their lands, their right to seek judicial determination thereof in the Federal courts is reserved to them.

Proceeds received by the tribes for tribal lands are to be held in trust, but may be expended to acquire lieu lands or other tribal prop-

erty. Proceeds received by individual members of the tribes are to be deposited in individual Indian money accounts at the Agency, and expenditures therefrom are to be made by the Superintendent under special regulations of the Secretary of the Interior.

The Indians may salvage standing timber free of charge until October 1, 1950, and their improvements until October 1, 1952. The Indians' hunting and trapping rights within the Garrison taking area are reserved, but they consent to having the fishing regulations established for Garrison Reservoir apply to them. Their interest in any subsurface values discovered in the future is reserved. The contract, when ratified, constitutes a conveyance of the fee titles to the United States. By a special provision the Indians reserve the right to seek additional compensation through petitioning Congress or filing suit in the Court of Claims.

II. DETAILED ANALYSIS

1. *Reservation of right to claim additional compensation.*—By article I, the Three Affiliated Tribes reserve the right to pursue further their claims against the United States by petitioning Congress for additional compensation or by filing suit in the Court of Claims under Public Law 296, or both. This article must be read in conjunction with section 9 of the joint resolution (p. 74) which provides that in consideration of the conditions, requirements, and appropriations set out in the resolution, complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes on account of the construction of the Garrison Dam and Reservoir project will be required. Adoption by Congress of the joint resolution as submitted would nullify that portion of Public Law 296 under which the tribes were authorized to bring suit in the Court of Claims.

The decision of the tribes to seek full settlement of all their claims at this time is expedient. The far-reaching effects of the taking of their lands and homes for the Garrison Reservoir are to be experienced in the immediate future. The need for assistance is immediate. A judicial determination of their claims would involve unpredictable delay. There might be a question of whether the real needs of the tribes, directly caused by the taking of their lands, could be made the legal basis of an award. A far more satisfactory and equitable course in dealing with these tribes is to make a complete settlement prior to, rather than after, consequences of the Garrison taking are inflicted.

2. *Description of taking.*—Part A of article II describes the taking line of the Garrison Reservoir within the Fort Berthold Reservation, embracing an area of 175,716.44 acres, from which are excepted certain patented lands totaling 20,804.83 acres, the total net taking of Indian lands being stated to be 154,911.61 acres.

By part B of the article, certain isolated Indian tracts, totaling 543.89 acres, located in the "ceded" portion of the reservation, are described and included in the taking. By part C certain Indian-owned townsites in Van Hook and Sanish, N. Dak., are described and included in the taking. By part D, certain "public reserves" in the townsites of Sanish and Van Hook, N. Dak., believed at the time of preparing the contract to be colored with Indian interest, are described and included in the taking. By part E, certain patented lands in the taking area, totaling 2,881.33 acres, in which coal rights are reserved to the tribes, are described and included in the taking.

The Indian land taking is thus described by a process of delineating the taking line and by excepting from the taking area thus established the patented or nontrust lands located therein. The statistical reflection of this process, as stated in the contract, indicates that a total of 154,911.61 acres of Indian tribal and allotted land within the Fort Berthold Reservation is in the taking area. To this must be added the smaller areas described in parts B, C, and D, and the coal rights described in part E. The determination of the acreage contained in the contract is based on aerial flights of the Army in 1940. The actual area taken may vary slightly from that described in the contract because of the constantly shifting shore line of the Missouri River.

3. *Distribution of fund of \$5,105,625 and limitations on the use thereof.*—By article III, the appropriated fund of \$5,105,625 is made subject to disbursement by the Commissioner of Indian Affairs for three purposes: (a) Payment for tribal and allotted lands and values above and below the surface; (b) costs of relocating and reestablishing Indians who live in the taking area; and (c) costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines in the taking area (sec. 1). The cost of relocating Government-owned structures is excluded from payment out of the appropriated fund (sec. 2). No expense of any Government agency in carrying out the contract is chargeable to the appropriated fund (sec. 3). If the three enumerated kinds of disbursement, when determined, total less than \$5,105,625, the tribes are to retain the unexpended balance as tribal funds (sec. 4). No part of the appropriated fund may be used to pay for the lands and improvements belonging to any church, mission, or missionary society, or to any person not a member of the tribes (sec. 5). The decision of Congress to recognize that the mere payment of the fair market value of Indian lands for public projects is insufficient and that the costs of removal are properly a charge against the United States represents a welcome change of policy in dealing with situations of this kind. In previous Indian land takings for public purposes, failure to provide funds for removal costs has caused acute distress and contributed to serious retrogression of Indian economic progress. It seems also proper that the costs of relocating Government-owned buildings, roads, etc., should not be charged to the appropriation of \$5,105,625 which specifically appropriated the said sum to the Three Affiliated Tribes and made no mention of the costs of relocating Government-owned structures. By the same reasoning, it is proper to exclude payment for governmental expenses incurred in carrying out the contract. The provision by which the tribes retain any unexpended balance remaining in the appropriation after the three enumerated purposes are satisfied is less justified when considered in connection with sections 2 to 10 of the joint resolution. Yet, the section is wholly consistent with Public Law 296. Tentative estimates indicate that the total of the three costs authorized by the contract will at least equal and probably exceed the appropriated amount.

4. *Appraisal of tribal and allotted lands.*—By article IV, responsibility for appraising the Indians' lands is imposed on the Commissioner of Indian Affairs, but the schedule thereof must be transmitted to the Chief of Engineers for his approval (secs. 1 and 2). The appraisal must be based on the fair market value of the lands and improvements, including the elements of value relating to individual tract servance

damages, standing timber, and mineral rights. On approval by the Chief of Engineers, the appraisal schedule must be presented to the tribal business council in its entirety, and such portion of said schedule as relates to the respective interests of any individual allottee or heir must be presented to the latter. Within 90 days after such transmittal, the council and any individual allottee or heir may present to the Commissioner their objections, if any, for consideration (sec. 2). If any part of the appraisal is finally rejected, the Department of the Army is obliged to bring suit in the United States District Court for North Dakota (sec. 3), and in any such proceeding the Commissioner of Indian Affairs is required to supply the Indian litigants with legal counsel, if so requested (sec. 4).

During the course of the contract negotiations the Acting Commissioner of Indian Affairs personally dissented from the proposal to make the Commissioner responsible for the preparation of the appraisal schedule, because he felt that this duty more properly reposed in the Corps of Engineers as the taking agency. He concurred in section 1 of article IV only on the urgent request of the tribal business council and upon the request of the Corps of Engineers. It would be more equitable for the lands and improvements to be appraised on a replacement-value basis because of the present inflation of materials prices and because of the difficulty of acquiring substitute lands at market values. However, the principle of replacement cost is not accepted in eminent-domain proceedings, and the Corps of Engineers would not accede to its use as a basis for appraising the Indians' holdings in the Garrison taking area. It is believed that the constitutional rights of the Indians are fairly protected in reserving to them the right to reject the appraisals place on their lands and to seek judicial determination thereof. It also seems appropriate that counsel should be supplied for such Indians who exercise this privilege.

5. *Removal of Indians from taking area.*—By article V the Commissioner of Indian Affairs is required to prepare a plan for the removal, relocation, and reestablishment of the Indians, together with cost estimates thereof, including therein, but not restricted to, the cost of transporting the Indians to their new locations, the cost of transporting the Indians' household goods, farming equipment, livestock, and other property, the cost of developing domestic and livestock water supplies on the residual reservation, and the cost of dismantling, transporting, and reerecting salvageable buildings and improvements. On approval of the plan by the Chief of Engineers, the Commissioner is designated to carry it out (sec. 1). It is also provided that the Chief of Engineers will prepare a schedule for clearing the Garrison Reservoir right-of-way and that the said schedule shall be jointly reviewed by him and the Commissioner of Indian Affairs annually to consider changes proposed by either party. Responsibility, however, for determining changes in the clearance schedule is reposed exclusively in the Chief of Engineers. It is stipulated that the clearance schedule will provide for systematic clearing of the right-of-way by succession of segments (sec. 2).

Implementation of this article should be completed by the spring of 1950 so that removals might begin in the summer of that year, be continued in the summer of 1951, and be completed in 1952. The Indians' personal, family, community, and tribal plans must be ascertained at the earliest possible date after approval of the contract.

Surveys of the land and water resources of the residual segments, together with the selection of home sites, must be undertaken. The land-consolidation program must also be instituted simultaneously. Preliminary, though necessarily tentative, studies are already under way by the Missouri River Basin investigation staff of the Indian Bureau.

6. *Relocation of cemeteries, monuments, and shrines.*—By article VI the Commissioner of Indian Affairs is designated to prepare a plan and cost estimates for relocating and reestablishing Indian burial graves, tribal monuments, shrines, and other facilities, to transmit the same to the Chief of Engineers, and, upon approval by him, to carry out the plan (sec. 1). It is provided that new sites for the reestablishment of these facilities shall be acquired out of the proceeds from the taking of present sites in the taking area and that titles to new sites shall be of like character as exist for the sites which are to be taken for Garrison Reservoir (sec. 2). Insofar as practicable the removal plan is to be carried out by and through the interested churches, heirs, allottees, Council, or keepers of a particular shrine. The removal plan must provide for the employment of Indians and for tribal and religious services. In the event there is no party interested in a particular removal, the Commissioner is authorized to assume any necessary responsibility (sec. 3).

There are 18 separate cemeteries containing over 1,600 graves and an undetermined number of scattered family burying grounds in the taking area. All the cemeteries are denominational, except one. Of the 18 cemeteries, 7 are located on allotted lands, 7 on lands deeded to churches, 1 on a national monument, 1 on a tribal reserve, 1 on land deeded to the United States for this purpose, and 1 on fee patented land. The tribes as such have a direct interest in the Scout Cemetery located on a national monument, four tribal monuments, and one tribal flour mill. An estimate of the cost of carrying out the provisions of this article cannot be made without a detailed survey and will depend on various factors: the time necessary to locate, identify, and disinter the remains; the kind and quality of reinterment casket; the difficulty and time required to open new graves; the distance between old and new sites; and the removal and reestablishment of head markers and other gravestones. The over-all administrative cost (not deductible from the fund of \$5,105,625) could be considerable. At the hearings of the Senate Subcommittee on Appropriations on the 1948 Civil Functions Act, Gen. R. A. Wheeler stated that the Corps of Engineers had estimated the cost at \$255,000.

7. *Use of proceeds from taking of tribal lands.*—By article VII proceeds from tribal lands and interests under the contract are to be held in trust by the United States and may be used to acquire land or other tribal property, or for such other purposes as may be determined by the council with the approval of the Commissioner of Indian Affairs. Lands so acquired are to be held "as other tribal lands" and are to be "inalienable and nontaxable until otherwise provided by Congress, notwithstanding any other restrictions on the purchase of land under any other law."

Under this article responsibility for determining the disposition of tribal proceeds is vested in the tribal business council; the power of the Commissioner of Indian Affairs is limited to vetoing council

decisions. This is a desirable step in the direction of transferring responsibility to the Indians.

The second sentence of article VII, beginning on line 10, of page 60, provides that all lands acquired by the tribes with contract proceeds "shall be inalienable and nontaxable until otherwise provided by Congress." The intent of this language is to insure that tribal lands so acquired shall be held as other tribal lands, but by strict interpretation of the specific language, especially in the use of the term "inalienable," it is probable that some doubt would exist as to the power of the tribes to sell such lands to individual Indians or effect exchanges of such lands, without special congressional sanction. The same criticism lies also against similar limiting language in article VIII, section 3. It is recommended that this technical defect in articles VII and VIII be corrected by adding the following section to the joint resolution:

SEC. 12. Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereinafter authorized by law for the sale or exchange of lands owned by such tribes or members thereof.

The final clause of article VII, "notwithstanding any other restrictions on the purchase of land under any other law," beginning on line 13, of page 60, is intended to free the tribes from any statutory limitation on the purchase of lands which has been, or may in the future be, enacted, prohibiting the purchase of lands which would become nontaxable. It is believed that the Congress should approve this guaranty to the Fort Berthold Indians because of the special circumstances arising out of the taking of their existing tribal lands for the Garrison project.

8. *Use of proceeds from taking of allotted lands.*—Under article VIII proceeds received by individual Indians under the terms of the contract are to be deposited in their "individual Indian money" accounts (sec. 1). Expenditures from such accounts are to be made by the superintendent of the Fort Berthold Reservation under regulations to be promulgated by the Secretary of the Interior or by his duly authorized representative. Under such regulations the superintendent may disburse individual proceeds directly to nonresident members of the tribes and to such other members who do not require supervision. The individual proceeds may be disbursed for purchase of new lands, homes, or other property (sec. 2). Lands acquired with such proceeds are to be taken in the name of the United States in trust for individual Indians and shall be "nonalienable and nontaxable until otherwise provided by Congress" (sec. 3).

Article VIII provides a substantial degree of decentralized administration in the disbursement of individual proceeds. This is desirable and in line with sound policy. Under the terms of the article a considerable number of beneficiaries will receive their proceeds immediately and in cash.

The limitation on the status of lands acquired with individual proceeds as to their inalienability should be corrected by the joint resolution. It is intended that such lands should be held as other allotted lands, but under section 3, such lands could not be exchanged and disposed of under the general Indian land laws without authority of Congress. A suggested section in the joint resolution to cure this defect is included in the foregoing item 7.

9. *Conveyance of Indian titles to the United States.*—Under article IX approval of the contract by the council and by a majority of the adult members of the tribes and its enactment into law, constitutes a relinquishment and conveyance to the United States of all lands, rights, and interests by the tribes as to tribal lands and by allottees and heirs as to allotted lands, vesting title thereto in the United States.

Approval of the council and of a majority of the adult members of the tribes has been formally given in accordance with the procedure and conditions stipulated in Public Law 296. (See above under B.)

The omnibus transfer of titles, as provided in article IX, will obviate the necessity of much paper work in the Bureau of Indian Affairs and the Corps of Engineers. Appropriate entries will have to be made, however, on the records of the Indian Bureau and of the Bureau of Land Management.

10. *Rights of Indians to use of Garrison Reservoir shore line.*—Under article X the Commissioner of Indian Affairs is required, within 2 years from the date of the contract, to present to the Chief of Engineers for his approval a plan for the grazing of livestock between the taking line and the actual water line of Garrison Reservoir, based on the fullest development of the residual reservation for livestock. Areas so reserved under the plan may not be reduced or changed except with the consent of the Commissioner and approval of the council. The council may promulgate rules and regulations for the utilization of the reserved areas (sec. 1). The Chief of Engineers may advise the Commissioner to eliminate any feature from the plan which would interfere with the operation of the Garrison project. The right of the Three Affiliated Tribes to such designated areas is made prior to their use for park, recreational, or wildlife conservation purposes under other statutes (sec. 2). The council commits itself to cooperate with North Dakota in the conservation, development, and utilization of the wildlife resources of the taking area, but the tribes reserve their hunting and trapping rights therein, as established by treaty, including the right to issue hunting and fishing licenses under tribal regulations. The right to fish in Garrison Reservoir is to be governed by rules and regulations of the Chief of Engineers, but the tribes and the members thereof do not have to pay any license fee therefor (sec. 3). The tribes reserve the right for their members (under terms and conditions determined by the council and in accordance with plans approved by the Chief of Engineers) to establish boat harbors, wharves, and recreational areas in the taking area, provided such privileges are not made available to nonmembers except in accordance with regulations and schedules of rates approved by the tribes with the concurrence or approval of the Chief of Engineers.

The reservation of shore line grazing rights to the Fort Berthold Indians is eminently justified. The tribes are to be deprived of their river bottom lands and access to the Missouri River and its tributaries for the watering of livestock. It is reasonable to insure their access to Garrison Reservoir as a substitute, especially in view of the fact that the Indians' economy is so largely based on the raising of livestock. It is also reasonable that the Indians' economic needs should have preference in the use of the taking area. However the article, as written, allows latitude for adjusting the Indians' economic interest with recreational, park, and conservation interests, in the drafting of the plan to be prepared by the Commissioner of Indian Affairs.

The Indians retain their treaty hunting and trapping rights as presently established but tacitly surrender their treaty fishing rights in Garrison Reservoir. The latter concession is proper and in the interest of protecting any program which may be established for stocking the reservoir. The other privileges extended to the tribes and their members as to building boat docks, et cetera, recognizes the fact that such facilities will be necessary because of the segmentation of the residual reservation.

11. *Salvage of improvements, timber, etc.*—Under article XI the tribes and members thereof may salvage their improvements from the taking area at least until October 1, 1952, subject to the condition that the district engineer, Garrison district, shall serve notice of his intent to begin clearing operations at least 3 months prior thereto. No deduction from the appraisal is to be made on account of the removal of improvements (section 1). The Indians may also salvage timber, sand, and gravel until at least October 1, 1950, similarly without any deduction of the value thereof from the appraisal, and with a similar condition as to the giving of 3 months' clearance notice (sec. 2). They may salvage lignite until the date fixed for impounding the water of Garrison Reservoir (sec. 3). The district engineer is required to give 6 months' notice of the impoundment date, and no damage for loss of life or property due to such impoundment may be claimed on or after the date so specified, but the said date is not to be earlier than October 1, 1952.

The salvage privileges established by article XI are generous. When the final dates were fixed in the contract negotiations, it was believed that ratification would take place in the Eightieth Congress. If ratified by June 1, 1949, only 17 months will be available in which to take advantage of the privilege of salvaging the standing timber, embracing only one winter season. It is believed that insufficient time will thus be allowed in which to undertake effective and economic salvage operations.

12. *Discovery of future subsurface values in taking area.*—Under article XII, if, in the future, subsurface values are discovered in the taking area, the tribes will be entitled to a royalty of one-eighth of the money received for oil and gas extracted. Any such royalty is to be deposited to tribal funds or paid to allottees or heirs as their interests now appear.

A technical defect in article XII would be corrected by section 10 of the joint resolution, at line 21 of page 74. This correction would extend the application of the article to all minerals, not merely oil and gas.

13. *Payment of possible deficit under contract.*—Article XIII provides that the contract is entered into on the understanding that the cost of carrying out its terms should be met by appropriations for the Garrison project, and that, if \$5,105,625 is insufficient, such additional sum or sums as may be necessary will be made available from appropriations for Garrison Reservoir.

The contract is based on the theory that the appropriation of \$5,105,625 is sufficient to pay for the appraised value of the tribal and allotted lands and improvements to be taken for the Garrison Reservoir and for the costs of relocating and reestablishing the Indians themselves, as well as for the relocating and reestablishing of Indian cemeteries, monuments, and shrines. It is provided, however, that

if these costs, when determined in accordance with the terms of the contract, shall prove to be less than \$5,105,625 the tribes will retain the unexpended balance as tribal funds (article III, section 4). On the other hand, if these costs, when determined, shall prove to be in excess of \$5,105,625, such additional sum or sums as may be necessary will be made available from appropriations for the construction of Garrison Reservoir (article XIII). The inclusion of this formula is justified because the estimate of \$5,105,625 was unilaterally determined by the taking agency, the Corps of Engineers, without the concurrence or acceptance of the Indians; because the said estimate was based on gross appraisals; and because the value of lands has markedly risen since 1946, the date of the Corps' appraisal survey.

14. *Miscellaneous*.—Article XIV is a standard provision required by law in all Government contracts. Article XV stipulates that the contract shall not become effective until it has been ratified by a majority of the adult members of the tribes, by the council of the tribes, and by the Congress.

E. ADDITIONAL COMPENSATION AND OTHER CONSIDERATIONS SUPPLEMENTARY TO THE CONTRACT OF MAY 20, 1948, CONTAINED IN JOINT RESOLUTION

1. LAND READJUSTMENT FUND (SECS. 2 AND 3)

Sections 2 and 3 of the joint resolution both deal with the establishment and operation of a "land readjustment fund."

Section 2 authorizes an appropriation of \$3,000,000 to establish a land-readjustment fund for use in consolidating the land holdings of the Three Affiliated Tribes and in purchasing land for needy members thereof. The fund is to be administered by the Commissioner of Indian Affairs and its operation terminated at the end of ten years. Any unexpended balance in the Fund at the end of the 10-year period is to be returned to the Treasury and any land which has not been deeded to members shall be held by the United States in trust for the tribes and shall be nontaxable and nonalienable until otherwise provided by Congress. Section 3 elaborates the purposes and operations of the fund. It is to be operated to consolidate the lands on the reservation into economic use units. Allotted, inherited and unrestricted lands, as well as interests in lands and improvements, may be acquired by purchase or exchange by the fund which can, through sale or exchange, dispose of such lands to individual Indians. Proceeds derived from the Garrison land taking may be used by individual members of the tribes to buy from the fund, lands acquired by the fund. To care for needy members, the fund may take lands in tribal ownership for assignment to such persons.

The establishment of a mechanism to bring about land ownership consolidation on the residual Fort Berthold Reservation is a *sine qua non* of a successful removal of the Indians from the Garrison taking area.

Allotment of the Fort Berthold Reservation began in 1895. Ninety percent of the allotments made in that year, numbering 949, were selected on the bottom lands adjacent to the Missouri River. Between 1910 and 1915, 765 more allotments were made in intermingled locations with the first schedule of 1895. Supplemental allotments to the

number of 1,133 were made between 1912 and 1915. Finally, between 1923 and 1929, 556 allotments were made in the southeastern part of the reservation (generally uplands).

This application of allotment to the Fort Berthold Reservation has created the following conditions: (1) Approximately 50 percent of the allotted lands are in heirship status, but 75 percent of the bottom lands (largely allotted in 1895) are in that status. These are precisely those lands which lie within the Garrison right-of-way. (2) Most individual Indians today have interests within two and sometimes three of the four allotment groups, and most families have interest in all four. (3) While the allotments are scattered throughout the entire area of the reservation, the family groups have, through one means or another, located their homes on the bottom lands, i. e., within the Garrison right-of-way. (4) Through scattteration and fractionization of the individual holdings, it has been difficult for the Indians to use their lands themselves, with the result that 340,000 acres are being leased or permitted to non-Indians. (5) In spite of the pattern of allotment, the Indians have succeeded in building their economy on a strip of 241,000 acres on both sides of the river. From this strip, Garrison will take out the heart—155,000 acres. (6) For each acre of allotted land owned in the Garrison right-of-way, the Fort Berthold Indians own 3 acres on other parts of the reservation. (7) No individual, or family, will have sufficient compensation for lands taken in the right-of-way to acquire a new farm or ranch unit, unless the value of the lands owned outside of the right-of-way can be realized, or unless land holdings can be consolidated. (8) Removed Indians will not be able to establish satisfactory farm or ranch units on the residual reservation unless an extensive reservation-wide program of exchange and reconsolidation is undertaken.

The only practical approach to this problem is the creation of a land readjustment fund which would be operated for the following purposes: (1) To purchase lands in the residual reservation from Indians who want to relocate outside of the reservation. By adding compensation received for the taking of land in the reservoir right-of-way to the proceeds derived from the sale to the fund of land in the residual reservation, an Indian family would have more adequate means of buying a new farm or ranch or of going into some other economic enterprise. (2) To purchase lands in the residual reservation either from Indians or white patentees in order to block up consolidated, family-size, economic units for farm or ranch purposes. (3) To acquire tribal lands for assignment to landless Indians who must remove from the right-of-way. (4) To sell or exchange acquired lands to Indians or whites.

Over the entire period of its operation, the appropriation for the land readjustment fund would suffer diminishment on account of (1) the acquisition of lands which could not be disposed of to individuals, and hence retained in tribal ownership, (2) purchases of tribal land for needy members of the tribes, and (3) the costs of operating the fund.

The proposed appropriation of \$3,000,000 would be about adequate to establish a land readjustment fund for the necessary purposes described above. For the most part this sum would be used to acquire various categories of land within the reservation boundaries

as a stock from which sales and exchanges would be carried on, creating economic farm and ranch units to be held under newly issued trust patents. The fund could also be used to acquire low-grade allotted lands which can be effectively utilized only in large blocks as community pastures. An estimate of expenditures from the fund is as follows:

(1) Purchase of improved patented lands in the residual segments of the future reservation: 44,130 acres at \$25 per acre-----	\$1, 103, 425
(2) Purchase of trust allotments and heirship interests from non-resident Indians: 36,128 acres at \$15 per acre-----	541, 920
(3) Purchase of trust allotments and heirship interests from Indians who move away from the reservation: 53,600 acres at \$15 per acre-----	804, 000
(4) Purchase of trust allotments and heirship interests which are uneconomical in individual ownership; lands to be used as community pastures: 50,000 acres at \$10 per acre-----	500, 000
(5) Administration: Expert field and clerical personnel expense to effect land acquisitions, consolidations, appraisals, records, and clearance of work, for 10 years-----	150, 000
Total-----	3, 099, 345

II. SUPPLEMENTARY APPROPRIATION OF \$6,500,000 (SEC. 4)

Section 4 authorizes an appropriation of \$6,500,000 to the Three Affiliated Tribes to compensate them for the following claims growing out of the construction of the Garrison project:

(a) For all breaches of the treaty of September 17, 1851;

(b) For the abrogation of section 5 (e) of article VI of the constitution and bylaws of the tribes adopted in accordance with the Indian Reorganization Act of 1934;

(c) For disruption of their economic, social, religious, and community life;

(d) For reducing them to the condition of "displaced persons";

(e) For the destruction of their basic industry (livestock);

(f) For the intangible costs of relocation and reestablishment of a sound economic base for the future of the tribes and adjustment to new fields of endeavor.

The section rests on the proposition that none of the injuries covered by the foregoing claims is compensated for by the appropriation of \$5,105,625 discussed previously. The appropriation of \$6,500,000 is to be credited to the Three Affiliated Tribes, to draw 4 percent interest, and to be available for expenditure by the council with the approval of the Commissioner of Indian Affairs.

The justification for the payment of the additional sum of \$6,500,000 provided for in section 4 falls into three general categories, namely, (1) compensation for tangible losses of property not covered by the contract appropriation of \$5,105,625, (2) compensation to defray the costs of meeting social needs arising out of the Garrison land taking, and (3) compensation for intangible damages.

1. Compensation for tangible losses of property not covered by the contract appropriation of \$5,105,625.—Section 1 of article IV of the contract of May 20, 1948, provides that the Indians' lands and improvements shall be appraised at the "fair market value." In following the customary interpretation of this language, it is certain that the compensation to be paid under the contract will not be sufficient to

cover all of the tangible values that will be taken. At least three such kinds of values for which compensation should be made to the tribes may be conservatively estimated, as follows:

(a) *Compensation for the loss of the future supply value and supplemental value of the standing timber, not covered by the contract appraisal.*—Under article IV, section 1, of the contract, the Fort Berthold Indians are to receive the appraised value of standing timber on a fair market-value basis. Payment on this basis does not represent the real tangible value for its future supply utilization, as well as for its continued use year after year for house logs, fuel, and fence posts. The economic function of the timber stand in the life of the tribes makes it far more valuable for these uses than is represented by its fair market value. With the taking of the bottomlands, the timber stand will be irretrievably lost. The timber within the taking area furnishes the proper environment for recreational areas for the Indians, for wildlife habitat and for many fruits, such as June berries, wild plums and grapes, choke cherries, and buffalo berries. The timber also moderates the local climate and furnishes protection to the Indians and their livestock.

The Fort Berthold Indians are entitled to participate in the stumpage values which would be almost sure to increase as the supply of local timber decreases. It will be necessary in the future to secure timber products from a distance with much higher transportation charges. The Indians have a right to anticipate these future supply values which are inevitable. The taking of their land deprives them of the opportunity to realize the benefits of future increased values.

In addition to the increase in the value of the merchantable timber, the natural reproduction, which will produce merchantable material in a few years, has a substantial value comparable to the capitalization of the cost of a forest plantation. The Indian Service authorizes a valuation of \$3 to \$4 per acre for young hardwood growth. This valuation might be reduced on the Fort Berthold Reservation since some of the larger young growth suitable for fence posts will be included in the appraisal of the fair market value of the standing timber.

These future supply and supplemental values are estimated as follows:

20,000 acres timber, at \$2 per acre, future supply value.....	\$40, 000
20,000 acres timber, at \$2 per acre, young growth value.....	40, 000
20,000 acres timber, at \$2 per acre, recreation value.....	40, 000
35,000 acres timber and brush, at \$2 per acre, wildlife habitat value....	70, 000
35,000 acres timber and brush, at \$2 per acre, wild fruit value.....	70, 000
35,000 acres timber and brush, at \$2 per acre, protection value.....	70, 000
Total.....	330, 000

(b) *Compensation for the factor of irrigability of certain lands in the taking area, not covered by the contract appraisal.*—The appraisal of lands, to be undertaken under article IV of the contract, will not include any claim for compensation on account of potential irrigability of certain lands within the taking area. However, in 1942 the Bureau of Reclamation made a survey of irrigable potentials of the Fort Berthold Reservation (report on Missouri River investigations, North Dakota, South Dakota. Missouri-Souris project and potential units, investigations report No. 66). This report and subsequent surveys of the Bureau of Indian Affairs substantiated the fact that

the following acreage is suitable for irrigation and meets all the necessary requirements:

	Acres
Shell Creek unit.....	4, 500
Independence unit.....	4, 130
Fort Berthold unit.....	9, 400
Old Agency unit.....	6, 510
Total.....	24, 540

Questions of soil adaptability, water rights, topography, and feasibility have been determined and conclusions are that irrigation of these lands, to be taken from the Fort Berthold Indians for Garrison Reservoir, is practical. It is estimated that the irrigable potential increases the value of these 24,540 acres by \$10 per acre. This would result in an amount of \$245,400.

(c) *Compensation for the severance of the Fort Berthold Reservation into five residual segments through the taking of the reservation's bottom lands.*—Although damages for the severance of individual tracts of land are provided for in article IV, section 1, of the contract, no compensation is provided therein for the severance of the reservation as a whole. It must be remembered that the original Fort Berthold Reservation contained 12½ million acres and that it was successively reduced to its present boundaries by a series of statutes and Executive orders. The Garrison Reservoir will take the best of the lands remaining in the ownership of the tribes—the heart of the reservation. The bottom lands to be taken represent a complex of valuable characteristics—shelter for homes and livestock, easily developed water, winter pasture, plentiful wild-fruit supply, and game in abundance. Taken in conjunction with the upland range, an almost perfect balance of lands exists in the present reservation. The lands remaining on the reservation will have a definite diminished value. But no account is taken of this fact in the settlement provided by the contract. An estimate of this uncompensated loss is as follows:

Value of reservation before taking: 583,283 acres (excluding 9,439 acres accreted lands) at average price of \$25 per acre.....	\$14, 582, 075
Value of remainder after taking: 437,024 acres at average price of \$18 per acre.....	7, 866, 432
Total damage.....	6, 715, 643
Minus estimated appraised value.....	4, 000, 000
Total severance damage.....	2, 715, 643

The per acre values used in the above calculation are based on current land sales in the area.

2. *Compensation for meeting the costs of social needs arising from the social and economic disruption of life of the Three Affiliated Tribes by Garrison Reservoir.*—The contract of May 20, 1948 provides for the payment of the Indians' costs in removing from the Garrison right-of-way, for costs of developing water supplies and fencing on the residual reservation, and for costs of removing cemeteries. It does not provide funds to enable the Indians to reestablish their shattered economy. Nor does it deal with the problem of those Indians who are to leave the reservation or with the basic fact that, on their diminished land resource, a substantial portion of the tribes must seek to leave the

reservation in the future. When the total effect of the Garrison project on the Fort Berthold Indians is viewed from this perspective, there is sound justification for extending substantial aid to them by providing additional compensation for economic and educational programs. Those Indians who remain on the residual reservation and who wish either to remain in, or get into, the livestock business will have insufficient funds to do so, even after their land bases have been reestablished through the land readjustment fund, as provided by sections 2 and 3 of the joint resolution. Around 90 percent of those who expect to remain on the reservation fall in this category (200 families). The 49 families who wish to leave the overcrowded residual reservation should be encouraged to do so, but it is doubtful that very many of them will be able to take this step unless financial assistance is provided. Finally, it is very important to note that the compensation to be derived from the taking of the allotted lands will generally go to the older members of the tribes, or that it will be distributed widely in small amounts to heirs. This result will naturally follow from the fact that the taking area closely blankets the first and oldest schedule of allotments made in 1895. No conformity between compensation and need can be expected. Yet 300 families will have to move and get reestablished economically. From this analysis it is possible to describe two categories of economic need: Financial assistance to establish the Fort Berthold people in the livestock business on the residual reservation, and financial assistance to assist members of the reservation to leave the reservation to engage in small business or to acquire homes in relation to definite employment opportunities. The establishment of an "economic recovery fund" would facilitate the attainment of these purposes.

The reduction of the Fort Berthold Reservation through the taking of the best part for the Garrison Reservoir means that within a relatively short time the residual reservation segments will be brought completely into use, with insufficient resources left for the resident population to make a living. A trend to diminish the reservation population should be given impetus, and the only practicable way to achieve this would be by according the younger generation a considerably expanded opportunity for technical, professional, and vocational training.

An expression of these social and economic needs is as follows:

(a) Assistance to 175 families (or one-half of the expected reservation population) by agricultural and livestock loans, averaging \$12,000 per family, based on the Indian Bureau's experience in administering the existing revolving credit fund-----	\$2, 100, 000
(b) Assistance to 50 families by small-business and real-estate loans, averaging \$15,000 per family-----	750, 000
(c) Assistance to approximately 20 young men and women annually for 10 years, averaging \$1,500 per person per year-----	300, 000
Total-----	3, 150, 000

3. *Indemnity for alleged violations of the treaty of 1851 and the tribal constitution.*—The Fort Berthold Reservation was established in 1851 by the Treaty of Fort Laramie. The Three Confederate Tribes (Mandan, Arikara, and Gros Ventre) point with pride to the fact that they have always faithfully observed the terms of their treaty, notwithstanding repeated reductions of the area of their reservation

by the United States. These reductions have cut down the Fort Berthold Reservation from its original area of 12½ million acres to its present gross area of 643,000 acres. The land taking for the Garrison project will result in another major reduction. This landtaking, when considered in terms of the upheaval it will work, leaves the tribes virtually without an integral land base, as guaranteed by the treaty of 1851.

The Three Affiliated Tribes are a distinct element in the general population, having Indian ancestry and tribal association derived from a common historical origin. The treaty of 1851 recognized their right of occupancy to the territory delimited therein. In 1936-37 the United States recognized the tribes as a political and social entity when it granted them a tribal constitution and charter of incorporation. These documents reaffirmed their right to veto any disposition of their remaining tribal estate, much of which is now to be taken for the Garrison project.

The tribes have not challenged the right of the United States to exercise its sovereign power of eminent domain by taking for public purposes land reserved to them under the treaty of 1851. They have, however, appealed to the Congress to recognize an obligation to recompense them on account of the deliberate withdrawal of this land from the solemn guaranties made in the treaty and repeated in the constitution and charter granted to them under the Indian Reorganization Act of 1934. They take the position that it is not equitable to force them into a claims suit, that it is within the power and competence of the Congress to fix a compensatory payment, and that the Congress is morally obligated to do so.

No effort is made here to equate this claim in dollars. The amount stipulated in section 3 of the joint resolution is \$6,500,000 for all outstanding claims. The total of the specific claims set forth in the two preceding paragraphs is \$6,440,400. The conclusion must follow that the amount requested is well within reason and should commend itself to Congress for favorable action.

III. RESERVATION OF BLOCK OF ELECTRIC POWER AT GARRISON DAM (SEC. 5)

Section 5 sets aside a block of at least 20,000 kilowatts of Garrison electric power, when developed at Garrison Dam to be delivered at one or more points on the Fort Berthold Reservation, as it may be extended, at a rate not to exceed 2 mills per kilowatt-hour. Such block of power would be used on the reservation for the benefit of tribal and other enterprises, and for the benefit of individual members of the tribes. Any of the reserved power not so used might be disposed of by the United States.

It would be desirable to extend the benefits of electrification to the Fort Berthold Reservation. The tribes are being required to make extensive sacrifices in public interest, and it would be only equitable that provision should be made to give the tribes a share of the general benefit to be derived from the Garrison project.

The provision in section 5 granting the Indians a preferred status in regard to rates, seems highly questionable, however, as such preferential treatment is contrary to one of the most important tenets of the country's public power policy. The portion of section 5 which stipulates that the tribes will be delivered electric power at the rate of not

exceeding 2 mills should, therefore, be deleted. At the same time, in order to give practical effect to the principle of reserving a block of power for use within the Fort Berthold Reservation, the appropriation of sufficient funds to construct, when feasible, an adequate distribution system, without cost to the Indians, should be authorized. For these reasons, it is recommended that section 5 be revised to read as follows:

SEC. 5. When electric power is available from the Garrison Dam, there is hereby reserved and set aside a block of power of 20,000 kilowatts for sale and distribution by the Three Affiliated Tribes for use of such power on the residual Fort Berthold Reservation as it may be extended. This block of power shall be delivered at such point or points on the reservation and at such voltage as may be determined by the Secretary of the Interior. Payment shall be made for the power actually used at the lowest wholesale rate or rates applicable to the same class of service made available to other customers receiving electric power from the Garrison Dam power plant. The transmission and distribution system necessary for the delivery of such block of power to the customers of the said Three Affiliated Tribes shall be constructed from time to time as needed by the said tribes, with funds made available therefor by the United States without cost to the said tribes, and there is hereby authorized to be appropriated from time to time such sums as may be required for the construction of the said distribution system to make available to the customers of the said Three Affiliated Tribes the block of power herein reserved to them. The rates for the sale of the power by the Three Affiliated Tribes shall be subject to approval by the Secretary of the Interior. Until such time as the said Three Affiliated Tribes shall require all of the electric power reserved to them, any amount in excess of that actually required by the said Three Affiliated Tribes shall be available to the Secretary of the Interior for sale or disposition off the Fort Berthold Reservation as extended.

IV. PROVISION FOR INVESTIGATION OF IRRIGATION POSSIBILITIES ON THE RESIDUAL FORT BERTHOLD RESERVATION (SEC. 6)

Section 6 provides for an investigation of the feasibility of providing irrigation within the residual Fort Berthold Reservation and for the construction of necessary irrigation works upon a finding of feasibility. This provision extends to any lands acquired in the future by the tribes or by their members. If constructed, the irrigation works must be operated on a basis not less favorable than to non-Indian lands, and the costs thereof must be repayable in accordance with the terms of other laws applicable to Indian lands.

This section is apparently designed to insure the construction of irrigation works on feasibly irrigable lands of the Fort Berthold Reservation. It embodies no greater consideration than is given to all reservations where irrigable lands exist, but authority for such works is not always obtainable. This provision for irrigation construction has justification in that the Fort Berthold Indians are losing valuable irrigable lands in the taking, and would have had approximately 25,000 acres of irrigated land had an original Bureau of Reclamation program for irrigating the valley of the Missouri been carried out. There is further justification in that it may be shown in the future that the Fort Berthold Indians require irrigated lands for producing an assured supply of feed for their livestock and food for themselves.

Investigations, as far as they have been carried out at present, reveal that irrigation of any area of the residual segments is probably infeasible. To reach suitable lands, water must be lifted about 200 feet from the normal level of the reservoir. With electric power at even 2 mills per kilowatt-hour, the cost of putting water on land with this pumping requirement would be approximately from \$6 to \$7 per acre. For Indians, unused to irrigation, or for nonintensive irrigated farm-

ing, this cost would be prohibitive. The report on tentative investigations of irrigable lands, by the Missouri River Basin investigations, states:

Examination of the topographic maps prepared by the Corps of Engineers and the reconnaissance survey maps of the United States Bureau of Reclamation discloses no potential irrigable areas within the residual reservation which can be feasibly irrigated by the pumping of water from the Garrison Reservoir.

First impressions might indicate that the area lying within southeast Mountrail County located within the peninsula formed by the Missouri River on the west and south and Shell Creek Valley on the east could be supplied with water by pumping from Garrison pool to the top of the divide which roughly parallels the Missouri River and the relatively short distance to the east of it.

The low points along the top of the ridge are at an elevation of approximately 2,200 feet mean sea level. The operating level of the Garrison pool will be at elevation 1,830 feet mean sea level. At the nearest point the 1,830 contour is approximately $1\frac{1}{2}$ miles from the nearest saddle in the ridge. This means that any installation to pump water to the top of this ridge would require $1\frac{1}{2}$ miles of pipe line operating under a maximum static head of about 370 feet.

Since the maximum static head of approximately 150 feet is considered to be the outside limit at which irrigation pumping can be considered with all other conditions (power rates, quality of the land, climatic conditions, etc.) extremely favorable, it seems obvious that the proposal to irrigate any of the area lying on this peninsula is not feasible.

The greatest possibility of these Indians having irrigated lands will be in some bottom land which they may acquire. There is the possibility of purchasing or exchanging dry farm land east of the river for land south of the reservation in the future for the livestock program and settlement. If the land were acquired in the neighboring valley of the Knife River, it would probably be subject to irrigation from the proposed Knife River Reservoir.

Enactment of section 5 ought not to be opposed, but it is not possible to be sanguine that any substantial benefit will accrue therefrom to the Fort Berthold Indians.

V. PAYMENT OF INTEREST ON FUND OF \$5,105,625 (SEC. 7)

Section 7 provides for the payment of 4 percent interest on the fund of \$5,105,625, appropriated by Public Law 296, from July 31, 1947, the approval date of the said statute. The interest is to be credited to the tribes. Both the fund and the interest are to be nontaxable.

Inasmuch as there is no contract and no conveyance of property until ratification of the contract by the Congress, the payment of interest from the date of the approval of the appropriation act appears to be questionable. However, payment of interest from the date on which the contract was executed would be justifiable. It is recommended therefore that section 7 be amended by striking out "July 31, 1947" and inserting "May 20, 1948." This date is that on which the Indians and the United States executed the contract in accordance with Public Law 296. It is reasonable to apply the doctrine of *nunc pro tunc*, once the contract comes into effect through congressional ratification.

The last sentence of section 7 which reads, "The said funds shall be and remain nontaxable" has the effect of relieving the compensation received under the contract by the tribes and the members thereof from the imposition of the capital-gains income tax. In view of the fact that the lands being taken from the Indians and the income pro-

duced by such lands are at present tax-free, the fact that the taking is involuntary and fraught with such serious consequences to the Three Affiliated Tribes, the fact that the replacement value of the property to be taken is not recognized in the appraisal thereof, and the further fact that the Fort Berthold Indians will require all the compensation received to buy new homes and lands, this provision in section 7 should be endorsed.

VI. PROTECTION OF SETTLEMENT PROCEEDS FROM COLLECTION OF DEBTS (SEC. 8)

Section 8 has the following effect: It bars the collection of debts of the tribes and their members out of any funds received under the joint resolution, including the contract of May 20, 1948, except debts due the United States and the tribes. It also cancels all debts of the tribes and their members incurred in connection with the Farm Security Administration, Farmers Home Administration, and seed and feed loan programs.

It should be noted that, except for the three specifically named kinds of debts, section 8 does not cancel the debts of the tribes and their members; it operates only to make debts noncollectible from proceeds derived under the joint resolution. This is appropriate since the proceeds received from the Garrison taking are being made available by the Congress for specific purposes, and should be protected against diversion through the collection of old debts which would militate against the successful removal and rehabilitation of the tribes. However, the proviso to the section which would cancel debts incurred in connection with certain Federal agricultural programs does not seem to be consistent with the rest of the section, and the elimination of this proviso is recommended.

VII. STIPULATION OF FINAL SETTLEMENT (SEC. 9)

Section 9 stipulates that the executed contract and the supplementary sections of the joint resolution shall be in "complete and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction" of the Garrison project.

The effect of section 9 is to cancel the tribes' right to bring suit in the Court of Claims under the authorization contained in Public Law 296. As pointed out elsewhere in this memorandum, the proposal to make a complete and final settlement as set forth in the joint resolution is highly desirable. Yet as section 9 is now written it contains no express provision for acceptance of this settlement by the tribes. Without such acceptance the section would, of course, be binding on the tribes, but its force would be merely that of a unilateral settlement imposed on the Indians by law, and not that of a bilateral settlement mutually agreed to by both parties. Accordingly, it is believed that section 9 should be amended so as to provide that the terms of settlement embodied in the joint resolution shall become effective only upon the acceptance of these terms by the Three Affiliated Tribes. This could be accomplished by inserting after the word "when" in line 15 of page 76 the phrase "accepted by the tribal business council of the Three Affiliated Tribes and."

VIII. CORRECTION OF ARTICLE XII OF CONTRACT (SEC. 10)

Section 10 corrects article XII of the contract by making it apply also to any minerals found in the future in the taking area, not merely gas and oil.

The correction provided in section 10 is desirable.

IX. AUTHORIZATION OF APPROPRIATIONS TO CARRY OUT JOINT RESOLUTION

Section 11 authorizes appropriations necessary to carry out the conditions, provisions, and requirements of the joint resolution.

By section 3 of article III of the Fort Berthold contract, no portion of the appropriation of \$5,105,625 may be expended by any Government agency for any cost or expense incurred by such agency in carrying out the terms of the contract. Inasmuch as the contract imposes many responsibilities on this Department, section 11 is indispensable to an effective execution of the contract.

A careful analysis of the contract indicates that an appropriation of at least \$500,000 should be authorized for expenditure by the Department over the next few years. Funds appropriated to the Bureau of Indian Affairs for Missouri River Basin investigations and surveys are not sufficient to cover these costs and, moreover, could not be used for several of the purposes. Responsibilities of this Department under the contract are as follows:

1. Appraisal of the Indian lands and improvements located in the Garrison taking area.
2. Appraisal of lands and improvements to be acquired with proceeds to be received under the contract.
3. The preparation of detailed plans and estimates of cost for the removal of the Indians from the taking area; the investigation of the lands and water resources of the residual Fort Berthold Reservation; and the supervision of the Indians' removal and relocation.
4. The preparation of detailed plans and estimates of costs for the removal and relocation of Indian cemeteries, monuments, and shrines from the taking area, and the supervision thereof.
5. The investigation of grazing areas below the taking line and the preparation of recommendations to the Chief of Engineers as to areas to be reserved for Indian use.
6. The planning and supervision of salvage operations, including the cutting and disposal of standing timber located in the taking area.
7. The legal representation of Indians who exercise their option to reject appraisals of their lands as prepared by the Commissioner of Indian Affairs.
8. The augmenting of the Indian Bureau staff at the Fort Berthold Agency, necessitated by the need for additional personnel to make cash disbursements to individual Indians, and to lend assistance to the Indians in planning the reconstitution of their farming and livestock activities, in supplying them with advice in readjusting their home economics, and in safeguarding health and welfare during the period of their removal.
9. The repair and renovation of Government quarters on the Fort Berthold Reservation for the accommodation of additional personnel required for the planning and supervision of the Indians' removal; and the purchase of necessary automotive equipment.

Expenses to be incurred by this Department for the discharge of the further duties created by sections 2 to 10 of the joint resolution are summarized as follows:

Sections 2 and 3: Costs of administration would be payable from the appropriation of \$3,000,000 authorized by these sections.

Section 4: Costs of administration cannot be presently estimated, since they would depend upon the uses to which the appropriation of \$6,500,000 authorized by this section is put, and upon the extent to which the tribal business council would seek assistance from the Department in administering said uses.

Section 5: The reservation of the block of power authorized by this section would not involve any expenses; costs of constructing the power-distribution system would be spread over a period of years commencing when power from the Garrison project became available; these costs when reduced to a present value basis are estimated at \$2,500,000.

Section 6: \$10,000.

Sections 7, 8, 9, and 10: None.



81ST CONGRESS
1ST SESSION

H. J. RES. 33

[Report No. 544]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1949

Mr. LEMKE introduced the following joint resolution: which was referred to the Committee on Public Lands

MAY 9, 1949

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That, subject to the additional terms and conditions herein-
- 4 after set forth in sections 2 to 11, inclusive, which are made
- 5 a part of this ratification, the following contract by and
- 6 between the United States of America and the Three Affili-
- 7 ated Tribes of the Fort Berthold Reservation, North Dakota,
- 8 entered into on May 20, 1948, pursuant to the provisions
- 9 of the War Department Civil Appropriation Act, 1948

1 (Public Law 296, Eightieth Congress), is hereby ratified
2 by the Congress, to wit:

3 **CONTRACT**

4 BY AND BETWEEN THE UNITED STATES AND
5 THE INDIANS OF THE FORT BERTHOLD
6 RESERVATION AS PROVIDED FOR BY PUB-
7 LIC LAW 296, EIGHTIETH CONGRESS, FIRST
8 SESSION

9 This contract, made and entered into this 20th day
10 of May, 1948, by and between the United States of America,
11 hereinafter called the "government", represented by the
12 Chief of Engineers, United States Army, and the Three
13 Affiliated Tribes of the Fort Berthold Reservation, North
14 Dakota, hereinafter called the "tribes", with the approval
15 of a majority of the adult members of said tribes, witnesseth
16 that:

17 Whereas, an item in the War Department's Civil Appro-
18 priations Act, 1948 (Public Law 296, Eightieth Congress,
19 approved July 31, 1947), appropriating funds for "Flood
20 Control, General", provides:

21 "Garrison (North Dakota) Reservoir: For acquisition
22 of the lands and rights therein within the taking line of
23 Garrison Reservoir which lands lie within the area now
24 established as the Fort Berthold Indian Reservation, North
25 Dakota, including all elements of value above or below the

1 surface thereof and including all improvements, severance
2 damages and reestablishment and relocation costs the sum
3 of \$5,105,625, which said sum is included in the total
4 allocated under this Act for the said Garrison Reservoir
5 and which shall be deposited in the Treasury of the United
6 States to the credit of the Three Affiliated Tribes of Fort
7 Berthold Reservation, to be subject to withdrawal and dis-
8 bursement as herein provided. This amount is made avail-
9 able subject to the following conditions subsequent and in
10 the event the said conditions are not complied with then
11 this amount shall lapse and be thereby null and void. Said
12 conditions subsequent are:

13 That a contract between the United States and the said
14 Three Affiliated Tribes shall be negotiated and approved
15 by a majority of the adult members of said tribes and enacted
16 into law by the Congress, providing for the conveyance of
17 said lands and interests and the use and distribution of said
18 fund and that disbursements from said fund shall be made
19 forthwith in accordance with said approved contract and
20 Act of Congress.

21 That said contract shall be submitted to the Congress
22 on or before the first day of June 1948: *Provided, however,*
23 That, notwithstanding said contract or the provisions of this
24 Act, the said Three Affiliated Tribes may bring suit in
25 the Court of Claims as provided in section 24 of the Act

1 of August 13, 1946, on account of additional damages, if
2 any, alleged to have been sustained by said tribes by reason
3 of the taking of the said lands and rights in the said Fort
4 Berthold Indian Reservation on account of any treaty
5 obligation of the Government or any intangible cost of
6 reestablishment or relocation, for which the said tribes are
7 not compensated by the said \$5,105,625."

8 Now, Therefore, the parties hereto do mutually agree
9 as follows:

10 ARTICLE I

11 The tribes, notwithstanding this contract, reserve to them-
12 selves all their rights and privileges to pursue further their
13 claims against the government by filing suit in the Court
14 of Claims in accordance with Public Law 296 or by petition-
15 ing Congress for additional relief legislation, or both.

16 ARTICLE II

17 The lands to be taken or acquired by the United States
18 under this contract, to be hereinafter referred to as the
19 "Taking Area", are described as follows:

20 PART A—WITHIN RESERVATION BOUNDARIES

21 Beginning at the Northwest corner of Section 6, Town-
22 ship 150 North, Range 93 West of the 5th P. M.; thence
23 East to the West sixteenth line; thence South to the East
24 and West quarter line; thence East to center of said Section;
25 thence South to South quarter corner; thence East to the

1 West line of the East half of the Southwest quarter of the
 2 Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) ; thence North to South
 3 sixteenth line; thence East to East Section line; thence
 4 South to Southeast corner of said Section 6; thence West
 5 to West line of the East half of the East half of the North-
 6 east quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to
 7 East and West quarter line; thence East to the East line
 8 of the West half of the Northwest quarter of the Southwest
 9 quarter of Section 8; thence South to South sixteenth line;
 10 thence East to the North and South quarter line; thence
 11 North to center of said Section; thence East to East Section
 12 line; thence South to South sixteenth line; thence West
 13 to the East sixteenth line; thence South to North sixteenth
 14 line of Section 17; thence East to the West sixteenth line
 15 of Section 16; thence North to North Section line; thence
 16 East to North quarter corner; thence South to center of
 17 said Section; thence East to East sixteenth line of Section
 18 15; thence South to South sixteenth line; thence West to
 19 North and South quarter line; thence South to North line
 20 of the South half of the Southeast quarter of the Southwest
 21 quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) ; thence West to West sixteenth line;
 22 thence South to the South Section line; thence West to
 23 the Southwest corner of Section 15; thence South to North
 24 sixteenth line of Section 22; thence East to North and South
 25 quarter line; thence North to the North line of the South

1 half of the Northwest quarter of the Northeast quarter
 2 ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence East to East sixteenth line; thence
 3 North to the North line of Section 22; thence East to West
 4 line of the East half of the Southeast quarter of the South-
 5 east quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to
 6 the South sixteenth line; thence East to West sixteenth line
 7 of Section 14; thence South to the South Section line;
 8 thence West to the Southwest corner of said Section 14;
 9 thence South to the North sixteenth line of Section 23;
 10 thence East to the West sixteenth line; thence South to the
 11 South sixteenth line; thence East to the East sixteenth
 12 line; thence North to the North sixteenth line; thence East
 13 to the East Section line; thence North to the Northeast
 14 corner of Section 23; thence East to the East line of the
 15 West half of the East half of the Northwest quarter of
 16 Section 24; thence South to East and West quarter line;
 17 thence West to the East line of the West half of the West
 18 half of the Southwest quarter; thence South to South Section
 19 line; thence East to East sixteenth line; thence North to
 20 East and West quarter line; thence East to the East quarter
 21 corner of Section 24, Township 150 North, Range 93
 22 West of the 5th P. M.; thence East to West sixteenth line
 23 of Section 19, Township 150 North, Range 92 West of
 24 the 5th P. M.; thence South to North sixteenth line of
 25 Section 30; thence East to East line of Section 30; thence

1 South to the North line of the South half of the Southwest
 2 quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section
 3 29; thence East to the West sixteenth line; thence North
 4 to the South line of the North half of the Northwest quarter
 5 of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West
 6 to the West Section line; thence North to South sixteenth
 7 line of Section 20; thence East to the West sixteenth line;
 8 thence South to South Section line; thence East to the
 9 East sixteenth line; thence North to the East and West
 10 quarter line; thence East to the East quarter corner of
 11 Section 20; thence South to the West quarter corner of
 12 Section 28; thence East to center of said Section; thence
 13 South to South sixteenth line; thence East to the East
 14 Section line; thence South to the Southeast corner of Sec-
 15 tion 28; thence East to the East sixteenth line of Section
 16 34; thence South to the North sixteenth line; thence East
 17 to West sixteenth line of Section 35; thence North to the
 18 North Section line; thence East to the North quarter corner
 19 of Section 35; thence North to the center of Section 26;
 20 thence East to the East sixteenth line; thence North to
 21 South sixteenth line of Section 23; thence West to the
 22 North and South quarter line; thence North to the
 23 North sixteenth line; thence West to the West line of
 24 the East half of the Northwest quarter of the Northwest
 25 quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth

1 line of Section 14; thence East to the North and South
2 quarter line; thence South to South Section line; thence
3 East to West sixteenth line of Section 13; thence North
4 to South sixteenth line; thence East to North and South
5 quarter line; thence South to South quarter corner;
6 thence East to the East sixteenth line; thence North to
7 South sixteenth line; thence East to East line of Section
8 13, Township 150 North, Range 92 West of the 5th P. M.;
9 thence North to the West quarter corner of Section 18,
10 Township 150 North, Range 91 West; thence East to
11 the West sixteenth line; thence North to North sixteenth
12 line; thence East to East sixteenth line; thence North to
13 the North Section line; thence West to the North quarter
14 corner of Section 18; thence North to South sixteenth
15 line of Section 7; thence East to the East Section line;
16 thence North to the Northeast corner of Section 7; thence
17 West to South quarter corner of Section 6; thence North
18 to center of Section 6; thence West to West sixteenth line;
19 thence North to North line of Section 6; thence East along
20 Township line between Townships 150 & 151 North to
21 the Northwest corner of Section 1; thence South to West
22 quarter corner; thence East to West sixteenth line; thence
23 South to South sixteenth line; thence East to North and
24 South quarter line; thence South to South Section line;
25 thence East to Southeast corner of Section 1, Township

1 150 North, Range 91 West of 5th P. M.; thence South
 2 to the North line of the South half of Lot 2 of Section 7,
 3 Township 150 North, Range 90 West of the 5th P. M.;
 4 thence East to the West line of the East 20 acres of Lot 2;
 5 thence South to the East and West quarter line; thence
 6 West to the West quarter corner; thence South to the
 7 Southwest corner of Section 7; thence East to the West
 8 line of the East 20 acres of Lot 1 of Section 18; thence
 9 South to South line of said Section 18; thence East to
 10 the West sixteenth line of Section 19; thence South to
 11 North sixteenth line; thence West to West Section line;
 12 thence South to Southwest corner; thence East to the
 13 South quarter corner; thence North to center of Section;
 14 thence East to East quarter corner; thence South to North
 15 sixteenth line of Section 29; Thence East to North and
 16 South quarter line; Thence South to center of Section;
 17 thence West to West quarter corner of Section 29; thence
 18 South to South sixteenth line of Section 30; thence West
 19 to West sixteenth line; thence South to the South line
 20 of Section 31, Township 150 North, Range 90 West of
 21 the 5th P. M.; thence South along the West sixteenth
 22 line of Section 6, Township 149 North, Range 90 West
 23 of the 5th P. M. to the South line of said Section 6;
 24 thence East to North quarter corner of Section 7; thence

1 South to South sixteenth line; thence East to the West
 2 sixteenth line of Section 8; thence North to East and
 3 West quarter line; thence West to West line of the East
 4 half of the Southwest quarter of the Northwest quarter
 5 ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the
 6 Southeast quarter of the Northwest quarter of the North-
 7 west quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East
 8 line of the Southwest quarter of the Northeast quarter of
 9 the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to
 10 North sixteenth line; thence East to the West line of
 11 the East half of the Northwest quarter of the Northeast
 12 quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Sec-
 13 tion line; thence East to the Northeast corner of Section 8;
 14 thence North to South sixteenth line of Section 4; thence
 15 East to West sixteenth line; thence North to East and
 16 West quarter line; thence East to center of Section; thence
 17 South to South sixteenth line; thence East to East sixteenth
 18 line; thence South to North sixteenth line of Section 9;
 19 thence East to East line of Section 9; thence South to
 20 South sixteenth line of Section 10; thence East to West
 21 sixteenth line; thence North to North Section line; thence
 22 East to East sixteenth line; thence South to East and
 23 West quarter line; thence East to East quarter corner of
 24 Section 10; thence South to South sixteenth line of Section
 25 11; thence East to West sixteenth line of Section 11;

1 thence South to South Section line; thence East to East
 2 sixteenth line; thence North to East and West quarter
 3 line; thence East to East quarter corner of Section 11;
 4 thence South to South sixteenth line of Section 12; thence
 5 East to East Section line; thence South to North sixteenth
 6 line of Section 13; thence West to the East line of the
 7 West half of the Southeast quarter of the Northeast quarter
 8 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter
 9 line; thence West to the East sixteenth line; thence South
 10 to South line of Section 13; thence East to the East line
 11 of the West half of the Northeast quarter of the Northeast
 12 quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to
 13 the North sixteenth line; thence West to the West sixteenth
 14 line; thence North to the North Section line; thence West
 15 to the Northwest corner of Section 24; thence South to
 16 the North sixteenth line of Section 23; thence West to
 17 North and South quarter line; thence North to the North
 18 line of the South half of the North half of the Northwest
 19 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South
 20 quarter line of Section 22; thence South to center of
 21 Section; thence West to the East line of the West
 22 half of the Southeast quarter of the Northwest quarter
 23 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 24 thence West to East sixteenth line of Section 21; thence
 25 South to East and West quarter line; thence West to

1 the East line of the West half of the West half of the
 2 Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South
 3 Section line; thence East to Southeast corner of Section
 4 21; thence South to North sixteenth line of Section 27;
 5 thence East to West sixteenth line; thence South to East
 6 and West quarter line; thence East to center of Section;
 7 thence South to South sixteenth line; thence West to
 8 North and South quarter line of Section 28; thence North
 9 to center of Section; thence West to West sixteenth line;
 10 thence South to South sixteenth line; thence West to West
 11 Section line; thence South to West quarter corner of Sec-
 12 tion 33; thence East to West sixteenth line; thence South
 13 to South line of Section 33, Township 149 North, Range
 14 90 West of the 5th P. M.; thence East along North line
 15 of Section 1, Township 148 North, Range 91 West of the
 16 5th P. M. to the Northeast corner; thence South to South
 17 sixteenth line; thence West to East sixteenth line; thence
 18 South to East and West quarter line of Section 12; thence
 19 West to center of Section; thence South to South Section
 20 line; thence West to East sixteenth line of Section 14;
 21 thence South to East and West quarter line; thence West
 22 to East line of the West half of the Northwest quarter
 23 of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to
 24 South sixteenth line; thence West to North and South
 25 quarter line; thence South to South quarter corner; thence

1 East to Southeast corner of Section 14; thence South to
 2 North sixteenth line of Section 24; thence East to West
 3 sixteenth line; thence South to East and West quarter line;
 4 thence East to East sixteenth line; thence North to North
 5 Section line; thence East to Northeast corner of Section
 6 24, Township 148 North, Range 91 West of the 5th P. M.;
 7 thence South to West quarter corner of Section 19, Town-
 8 ship 148 North, Range 90 West of the 5th P. M.; thence
 9 East to center of Section; thence South to South sixteenth
 10 line; thence East to East line of Section 19; thence North
 11 to North sixteenth line of Section 20; thence East to North
 12 and South quarter line; thence South to South sixteenth
 13 line; thence East to East sixteenth line; thence South to
 14 South Section line; thence East to the East line of the
 15 West half of the Northwest quarter of the Northwest quarter
 16 ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North
 17 sixteenth line; thence East to the North and South quarter
 18 line; thence North to the South sixteenth line of Section
 19 21; thence East to West line of the East half of the North-
 20 west quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 21 thence North to North sixteenth line; thence East to the
 22 East sixteenth line; thence South to East and West quarter
 23 line; thence East to the East quarter corner; thence South
 24 to the North sixteenth line of Section 27; thence East to
 25 the West sixteenth line; thence South to East and West

1 quarter line; thence East to East quarter corner; thence
 2 North to North sixteenth line; thence West to East sixteenth
 3 line; thence North to North section line; thence East to
 4 West sixteenth line of Section 26; thence South to East
 5 and West quarter line; thence East to East line of the
 6 West half of the East half of the Southwest quarter
 7 ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence
 8 East to Southeast corner of Section 26; thence North to
 9 the West quarter corner of Section 25; thence East to West
 10 sixteenth line; thence South to South sixteenth line; thence
 11 East to East sixteenth line; thence South to South Section
 12 line; thence East to Southeast corner of Section 25, Town-
 13 ship 148 North, Range 90 West of the 5th P. M.; thence
 14 North to South sixteenth line of Section 30, Township
 15 148 North, Range 89 West of the 5th P. M.; thence East
 16 to West sixteenth line; thence South to North sixteenth
 17 line of Section 31; thence West to West Section line;
 18 thence South to Southwest corner; thence East to West
 19 sixteenth line; thence North to East and West quarter line;
 20 thence East to East sixteenth line; thence North to North
 21 sixteenth line; thence East to the East line of Section 31;
 22 thence South to South sixteenth line of Section 32; thence
 23 East to North and South quarter line; thence South to South
 24 quarter corner; thence East to East sixteenth line; thence
 25 North to South sixteenth line; thence East to East Sec-

1 tion line; thence South to Southeast corner of Section 32,
 2 Township 148 North, Range 89 West of the 5th P. M.;
 3 thence West to the West line of the East half of Lot 1
 4 of Section 5, Township 147 North, Range 89 West of
 5 the 5th P. M.; thence South to East and West quarter
 6 line; thence East to West sixteenth line of Section 4;
 7 thence North to North sixteenth line; thence East to East
 8 line of Section 4; thence South to South sixteenth line of
 9 Section 3; thence East to West sixteenth line; thence South
 10 to South line of Section 3; thence East to the East line of the
 11 West half of the Northwest quarter of the Northeast quarter
 12 of Section 10; thence South to North sixteenth line; thence
 13 East to the East sixteenth line; thence South to the East
 14 and West quarter line; thence East to East quarter corner
 15 of Section 10; thence South to South sixteenth line of
 16 Section 11; thence East to North and South quarter line of
 17 Section 12; thence North to North sixteenth line; thence
 18 West to West Section line; thence North to Northwest
 19 corner of Section 12; thence East to West sixteenth line
 20 of Section 1; thence North to South sixteenth line; thence
 21 West to West section line; thence North to North line
 22 of the South half of the Southwest quarter of the Northwest
 23 quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth
 24 line; thence South to East and West quarter line; thence
 25 East to center of Section; thence South to South quarter

1 corner; thence East to Southeast corner of Section 1, Town-
 2 ship 147 North, Range 89 West of the 5th P. M.; thence
 3 South to the North line of the South half of Lot 1 of
 4 Section 7, Township 147 North, Range 88 West of the
 5 5th P. M.; thence East to the West sixteenth line; thence
 6 North to the North line of Section 7; thence East to the
 7 South quarter corner of Section 6; thence North to the
 8 North line of the South half of the Southwest quarter of
 9 the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence East to the
 10 East sixteenth line; thence South to the South line of the
 11 North half of the Northwest quarter of the Northeast quarter
 12 ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and
 13 South quarter line; thence South to the North line of the
 14 South half of the North half of the Southeast quarter
 15 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East Section line; thence
 16 North to the East quarter corner of Section 7; thence East
 17 to the West line of the East half of the Southwest quarter
 18 of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8;
 19 thence North to the North sixteenth line; thence East to
 20 the North and South quarter line; thence North to the
 21 North quarter corner; thence East to the Northeast corner;
 22 thence South to the South line of the North half of the
 23 Northeast quarter of the Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$);
 24 thence West to East sixteenth line; thence South to the
 25 South line of the North half of the Southwest quarter of

1 the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence West to
 2 North and South quarter line; thence South to center of
 3 Section; thence West to the East line of the West half of
 4 the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 5 thence South to the South line of Section 8; thence West
 6 to West sixteenth line of Section 17; thence South to the
 7 North line of the South half of the Northeast quarter
 8 of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to
 9 East sixteenth line; thence North to North line of Section
 10 17; thence East to West line of the East half of the South-
 11 east quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Sec-
 12 tion 8; thence North to South sixteenth line; thence East
 13 to East line of Section 8; thence South to North line of
 14 the South half of the South half of the Southwest quarter
 15 ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South
 16 quarter line; thence South to South quarter corner of Sec-
 17 tion 9; thence West to West sixteenth line of Section 16;
 18 thence South to North line of the South half of the North-
 19 west quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$);
 20 thence West to West Section line; thence South to North
 21 line of the South half of the Southwest quarter of the
 22 Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West
 23 sixteenth line; thence South to East and West quarter line;
 24 thence East to center of Section; thence South to South

1 sixteenth line; thence West to West sixteenth line; thence
 2 South to South Section line; thence East to Southeast corner
 3 of Section 16; thence North to South sixteenth line of
 4 Section 15; thence East to East sixteenth line; thence North
 5 to North Section line; thence East to Northeast corner
 6 of Section 15; thence South to North sixteenth line of
 7 Section 14; thence East to North and South quarter line;
 8 thence South to center of Section; thence East to East
 9 quarter corner of Section 14; thence North to North line
 10 of the South half of the North half of the Northwest
 11 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North
 12 and South quarter line; thence South to North sixteenth
 13 line; thence East to East sixteenth line; thence North to
 14 North line of the South half of the Northeast quarter of
 15 the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East
 16 line of Section 13, Township 147 North, Range 88 West
 17 of the 5th P. M.; thence North to West quarter corner
 18 of Section 7, Township 147 North, Range 87 West of the
 19 5th P. M.; thence East to center of Section; thence North
 20 to North quarter corner; thence East to East sixteenth line;
 21 thence South to East and West quarter line; thence East
 22 to East quarter corner of Section 7; thence North to North
 23 line of the South half of the Southwest quarter of the North-
 24 west quarter of Section 8; thence East to West sixteenth
 25 line; thence North to North sixteenth line; thence East to

1 West line of the East half of the Northeast quarter of
 2 the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to
 3 North Section line; thence East to East line of the West
 4 half of the Northwest quarter of the Northeast quarter
 5 ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line;
 6 thence West to North and South quarter line; thence South
 7 to center of Section; thence West to East line of the West
 8 half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 9 thence South to South Section line; thence East to East
 10 sixteenth line; thence North to North line of the South
 11 half of the Southeast quarter of the Northeast quarter
 12 ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence
 13 South to Southeast corner of Section 8; thence East to South
 14 quarter corner of Section 9; thence North to North line of
 15 the South half of the North half of the Southeast quarter
 16 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9;
 17 thence South to South sixteenth line of Section 10; thence
 18 East to the East line of the Northwest quarter of the South-
 19 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 20 thence South to the North line of the Southeast
 21 quarter of the Southeast quarter of the Southwest quarter
 22 ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 23 North to South sixteenth line; thence East to the East line
 24 of the West half of the Southwest quarter of the Southwest
 25 quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to

1 the South line of the Northwest quarter of the Northwest
 2 quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of
 3 Section 14; thence West to the East line of the Southwest
 4 quarter of the Northeast quarter of the Northeast quarter
 5 ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East
 6 and West quarter line; thence East to East quarter corner
 7 of Section 15; thence South to the North line of the South
 8 half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$)
 9 of Section 14; thence East to North and South quarter line;
 10 thence South to the North line of the South half of the
 11 South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence
 12 East to the East line of Section 14; thence North to the
 13 South sixteenth line of Section 13; thence East to the West
 14 line of the East half of the Northwest quarter of the South-
 15 west quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 16 West quarter line; thence East to an intersection with the
 17 East boundary of the Fort Berthold Indian Reservation,
 18 as surveyed, at a point 2,321 feet ~~East~~ West of the East
 19 quarter corner of Section 13, Township 147 North, Range 87
 20 West of the 5th P. M.; thence South 25° West along said
 21 Reservation Boundary Line, as surveyed, to the low water
 22 line of the right bank of the Missouri River; thence up-
 23 stream along said low water line of the right bank of the
 24 Missouri River to a point 1,663 feet North and 1,305 feet
 25 West of the East quarter corner of Section 1, Township 146

1 North, Range 88 West of the 5th P. M., said point being
2 on the East boundary of the Ft. Berthold Indian Reserva-
3 tion, as surveyed; thence South $53^{\circ} 09'$ West along said
4 Reservation Boundary, as surveyed, to the East line of
5 Section 16; thence North to the South sixteenth line of
6 Section 10; thence East to West sixteenth line; thence North
7 to East and West quarter line; thence West to West quarter
8 corner of Section 10; thence North to North sixteenth line
9 of Section 9; thence West to North and South quarter line;
10 thence South to center of Section; thence West to West
11 quarter corner; thence North to Northeast corner of Section
12 8; thence West to East sixteenth line of Section 8; thence
13 South to South line of Section; thence East to Southeast
14 corner of Section 8; thence South to North sixteenth line
15 of Section 16; thence East to West sixteenth line; thence
16 South to East and West quarter line; thence East to center
17 of Section; thence South on North and South quarter line
18 to the Ft. Berthold Indian Reservation Boundary Line;
19 thence South $53^{\circ} 09'$ West along said Boundary line to
20 the Southeast corner of Section 17; thence West to the East
21 sixteenth line of Section 18; thence North to the North line
22 of Section 18; thence West to the West sixteenth line of
23 Section 7; thence North to South sixteenth line; thence
24 East to North and South quarter line; thence North to
25 center of Section; thence West to West sixteenth line;

1 thence North to North sixteenth line; thence West to the
 2 West line of Section 7, Township 146 North, Range 88
 3 West of the 5th P. M.; thence West on North sixteenth
 4 line of Section 12, Township 146 North, Range 89 West
 5 of the 5th P. M. to the North and South quarter line; thence
 6 South to South sixteenth line; thence East to West line of
 7 the East half of the Southwest quarter of the Southeast
 8 quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section
 9 line; thence West to East line of the West half of the South-
 10 east quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$);
 11 thence North to South sixteenth line; thence West to West
 12 sixteenth line; thence North to East and West quarter line;
 13 thence West to center of Section 11; thence South to North
 14 line of the South half of the North half of the Southwest
 15 quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line;
 16 thence North to West quarter corner of Section 11; thence
 17 West to East sixteenth line of Section 10; thence North
 18 to North sixteenth line; thence East to East Section line;
 19 thence North to Northeast corner of Section 10; thence
 20 East to South quarter corner of Section 2; thence North to
 21 center of Section; thence West to West sixteenth line; thence
 22 North to North sixteenth line; thence East to East section
 23 line; thence North to Northeast corner of Section 2; thence
 24 East to West sixteenth line of Section 1; thence South to
 25 North sixteenth line; thence East to North and South quarter

1 line; thence South to the South line of the North half of the
 2 South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence
 3 East to East line of Section 1, Township 146 North, Range
 4 89 West of the 5th P. M.; thence North to the South six-
 5 teenth line of Section 36, Township 147 North, Range 89
 6 West of the 5th P. M.; thence West to East sixteenth line;
 7 thence North to East and West quarter line; thence West
 8 to West quarter corner of Section 36; thence North to North
 9 sixteenth line of Section 35; thence West to West sixteenth
 10 line; thence North to North Section line; thence West to
 11 Southeast corner of Section 28; thence North to East quarter
 12 corner; thence West to the West line of the East half of the
 13 Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 14 thence South to South sixteenth line; thence West to East
 15 line of the West half of the Northeast quarter of the South-
 16 west quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 17 West quarter line; thence West to West quarter corner of
 18 Section 28; thence North to North sixteenth line of Section
 19 29; thence West to East sixteenth line; thence South to
 20 East and West quarter line; thence West to center of Section;
 21 thence North to North sixteenth line; thence West to West
 22 sixteenth line; thence North to North line of Section 29;
 23 thence East to South quarter corner of Section 20; thence
 24 North to center of Section; thence West to West sixteenth
 25 line; thence South to South sixteenth line; thence West to

1 the West line of the East half of the Northwest quarter of
 2 the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence
 3 North to East and West quarter line; thence West to center
 4 of Section; thence South to South sixteenth line; thence
 5 West to the East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence West to the Southwest
 8 corner of Section 19, Township 147 North, Range 89 West
 9 of the 5th P. M.; thence West to North quarter corner of
 10 Section 25, Township 147 North, Range 90 West of the
 11 5th P. M.; thence South to North Sixteenth line; thence
 12 East to East Section line; thence South to East quarter cor-
 13 ner; thence West to the East line of the West half of the East
 14 half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to
 15 South Section line; thence West to South quarter corner of
 16 Section 26; thence North to South sixteenth line; thence
 17 West to the West Section line; thence South to Southwest
 18 corner of Section 26; thence West to South quarter corner of
 19 Section 27; thence North to center of Section; thence East
 20 to East quarter corner of Section 27; thence North to North
 21 sixteenth line of Section 26; thence East to North and South
 22 quarter line; thence North to center of Section 23; thence
 23 West to West sixteenth line; thence North to North six-
 24 teenth line; thence East to East sixteenth line; thence North
 25 to North line of Section 23; thence East to Southeast corner

1 of Section 14; thence North to East quarter corner; thence
 2 West to East sixteenth line; thence North to North sixteenth
 3 line; thence West to North and South quarter line; thence
 4 South to center of Section; thence West to West quarter
 5 corner of Section 14; thence North to North sixteenth line
 6 of Section 15; thence West to East sixteenth line; thence
 7 South to East and West quarter line; thence West to center
 8 of Section; thence North to North sixteenth line; thence
 9 West to West line of Section 15; thence South to South
 10 sixteenth line of Section 16; thence West to East sixteenth
 11 line; thence South to South Section line; thence West to
 12 South quarter corner; thence North to North quarter corner;
 13 thence West to West sixteenth line; thence South to East
 14 and West quarter line; thence West to West quarter corner
 15 of Section 16; thence South to North sixteenth line of Sec-
 16 tion 20; thence West to East sixteenth line; thence North
 17 to North Section line; thence West to North quarter corner;
 18 thence South to North sixteenth line; thence West to West
 19 sixteenth line; thence North to East and West quarter line
 20 of Section 17; thence West to West quarter corner of said
 21 Section 17; thence North to North line of the South half
 22 of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of
 23 Section 18; thence West to North and South quarter line;
 24 thence North to North quarter corner; thence East to North-

1 east corner of Section 18; thence North to South sixteenth
 2 line of Section 7; thence West to North and South quarter
 3 line; thence North to center of Section; thence West to
 4 West line of the East 20 acres of Lot 5; thence South to
 5 South section line; thence West to Southwest corner of
 6 Section 7, Township 147 North, Range 90 West of the
 7 5th P. M.; thence West along South line of Section 12,
 8 Township 147 North, Range 91 West of the 5th P. M.
 9 to the West line of the East half of the Southeast quarter
 10 of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to
 11 South sixteenth line; thence East to North and South quarter
 12 line; thence North to center of Section; thence West to the
 13 East line of the West half of the Northwest quarter of the
 14 Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South
 15 sixteenth line; thence West to the West line of the East
 16 half of the Northwest quarter of the Southeast quarter
 17 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and
 18 West quarter line; thence East to East sixteenth line; thence
 19 North to North sixteenth line; thence East to East Section
 20 line; thence North to Northeast corner of Section 11; thence
 21 West to the West line of the East half of the Southeast
 22 quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section
 23 2; thence North to South sixteenth line; thence West to
 24 East sixteenth line; thence North to East and West quarter
 25 line; thence West to East sixteenth line of Section 3; thence

1 North to North sixteenth line; thence West to North and
2 South quarter line; thence North to North quarter corner;
3 thence West to Northwest corner; thence South to West
4 quarter corner; thence East to West sixteenth line; thence
5 South to South sixteenth line of said Section; thence West
6 to North and South quarter line of Section 4; thence North
7 to North sixteenth line; thence West to West Section line;
8 thence South to West quarter corner of Section 4; thence
9 West to center of Section 5; thence South to South sixteenth
10 line; thence West to West sixteenth line; thence North to
11 North sixteenth line; thence West to West line of Section 5;
12 thence South to East quarter corner of Section 6; thence
13 West to East sixteenth line; thence North to North line of
14 said Section 6, Township 147 North, Range 91 West of the
15 5th P. M.; thence North on East sixteenth line of Section
16 31, Township 148 North, Range 91 West of the 5th P. M.
17 to East and West quarter line; thence West to West quarter
18 corner; thence South to South sixteenth line; thence East
19 to West sixteenth line; thence South to South line of Sec-
20 tion 31, Township 148 North, Range 91 West of the 5th
21 P. M.; thence East to North quarter corner of Section 6,
22 Township 147 North, Range 91 West of the 5th P. M.;
23 thence South to North sixteenth line; thence West to West
24 section line; thence South to West quarter corner; thence
25 East to the West line of the East 20 acres of Lot 6; thence

1 South to South line of Section 6; thence East to West
 2 sixteen line of Section 7; thence South to East and
 3 West quarter line; thence East to center of Section;
 4 thence South to South quarter corner; thence West to South-
 5 west corner of Section 7, Township 147 North, Range 91
 6 West of the 5th P. M.; thence West on North line of Sec-
 7 tion 13, Township 147 North, Range 92 West of the 5th
 8 P. M. to the East sixteen line; thence South to East and
 9 West quarter line; thence West to West quarter corner;
 10 thence North to North West corner of Section 13; thence
 11 East to West sixteen line of Section 12; thence North to
 12 North Section line; thence West to Southeast corner of
 13 Section 3; thence North to East quarter corner; thence West
 14 to the West line of the East half of the Southwest quarter
 15 of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to
 16 North sixteen line; thence West to the East line of the
 17 West half of the Southeast quarter of the Northwest quarter
 18 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter
 19 line; thence West to West sixteen line; thence South to
 20 South sixteen line; thence West to East sixteen line of
 21 Section 4; thence North to North sixteen line; thence
 22 West to East line of the West half of the Southeast quarter
 23 of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South
 24 to South sixteen line; thence West to West sixteen line;
 25 thence South to South Section line; thence East to South

1 quarter corner of Section 4; thence South to North sixteenth
 2 line of Section 9; thence West to West sixteenth line; thence
 3 South to North line of the South half of the Northeast
 4 quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence
 5 East to North and South quarter line; thence South to South
 6 quarter corner of Section 9; thence West to West sixteenth
 7 line of Section 16; thence South to East and West quarter
 8 line; thence West to the West line of the East half of the
 9 Southeast quarter of the Northeast quarter of Section 17;
 10 thence North to North line of said Section 17; thence West
 11 to East sixteenth line of Section 8; thence North to South
 12 sixteenth line; thence West to West line of the East half
 13 of the Northwest quarter of the Southeast quarter
 14 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter
 15 line; thence West to center of Section; thence South to
 16 South sixteenth line of Section 17; thence East to East
 17 sixteenth line; thence South to North line of the South half
 18 of the Southeast quarter of the Southeast quarter
 19 ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence
 20 South to Southeast corner; thence West to South quarter
 21 corner of Section 17; thence South to North sixteenth line
 22 of Section 20; thence East to East sixteenth line; thence
 23 South to East and West quarter line; thence West to center
 24 of Section; thence South to South quarter corner of Section
 25 20; thence East to East line of the West half of the North-

1 west quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of
 2 Section 29; thence South to South line of the Northwest
 3 quarter of the Southwest quarter of the Northeast quarter
 4 ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter
 5 line; thence South to South sixteenth line; thence East to
 6 East line of the West half of the Southwest quarter of the
 7 Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South
 8 Section line; thence East to the Southeast corner of Section
 9 29; thence South to West quarter corner of Section 33;
 10 thence East to West sixteenth line; thence South to South
 11 sixteenth line; thence East to North and South quarter line;
 12 thence North to center of Section; thence East to the East
 13 line of the West half of the West half of the Southeast
 14 quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section
 15 33, Township 147 North, Range 92 West of the 5th P. M.;
 16 thence East to Northwest corner of Section 3, Township
 17 146 North, Range 92 West of the 5th P. M.; thence South
 18 to North line of the South half of the South half of the
 19 North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line;
 20 thence South to East quarter corner of said Section 3; thence
 21 East to West sixteenth line of Section 2; thence South to
 22 South sixteenth line; thence East to West line of the East
 23 half of the Southeast quarter of the Southwest quarter
 24 ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the South-
 25 west quarter of the Northeast quarter of the Northwest

1 quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to
 2 West Section line; thence North to South line of the North
 3 half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of
 4 Section 3; thence West to West line of said Section 3;
 5 thence North to South sixteenth line of Section 4; thence
 6 West to North and South quarter line; thence North to center
 7 of Section; thence West to West sixteenth line; thence South
 8 to South sixteenth line; thence West to West Section line;
 9 thence South to Southwest corner of Section 4; thence West
 10 to West line of the East half of the Southwest quarter of
 11 the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence
 12 North to South sixteenth line; thence East to West line of
 13 the East half of the Northeast quarter of the Southeast
 14 quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 15 quarter line; thence East to East quarter corner; thence
 16 North to North sixteenth line; thence West to East six-
 17 teenth line; thence North to North Section line; thence
 18 West to Northwest corner of Section 5, Township 146
 19 North, Range 92 West of the 5th P. M.; thence North to
 20 the South line of the North half of the South half of the
 21 Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township
 22 147 North, Range 92 West of the 5th P. M.; thence West
 23 to North and South quarter line; thence South to South
 24 quarter corner; thence West to Southwest corner of Section;
 25 thence North on the West line of said Section 31, Township

1 147 North, Range 92 West of the 5th P. M. to an inter-
2 section with the low water line of the Little Missouri River
3 at the left or North bank of said stream; thence upstream in
4 a Northwesterly direction with said low water line of the
5 left bank, a distance of approximately 23 miles to an inter-
6 section with the North and South quarter line of Section 34,
7 Township 148 North, Range 95 West of the 5th P. M.;
8 thence North along said quarter line to the North quarter
9 corner of said section; thence East to Northeast corner of
10 Section 34; thence South to North sixteenth line of Section
11 35; thence East to North and South quarter line; thence
12 South to center of Section; thence East to East quarter
13 corner; thence South to Southeast corner of Section 35,
14 Township 148 North, Range 95 West of the 5th P. M.;
15 thence East to North quarter corner of Section 1, Township
16 147 North, Range 95 West of the 5th P. M.; thence South
17 to center of Section; thence East to East quarter corner of
18 and Section 1, Township 147 North, Range 95 West of the
19 5th P. M.; thence East to West sixteenth line of Section 5,
20 Township 147 North, Range 94 West of the 5th P. M.;
21 thence South to South sixteenth line; thence East to East
22 sixteenth line; thence South to South Section line; thence
23 East to Southeast corner of Section 5; thence South to North
24 sixteenth line of Section 17; thence West to East sixteenth
25 line; thence South to South Section line; thence East to

1 Southeast corner of said Section 17; thence South to West
 2 quarter corner of Section 21; thence East to center of Sec-
 3 tion; thence North to North sixteenth line; thence East to
 4 East sixteenth line; thence North to North Section line of
 5 Section 21; thence East to South quarter corner of Section
 6 14; thence North to South line of the North half of the
 7 Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$);
 8 thence West to West sixteenth line; thence North to North
 9 line of the South half of the Southeast quarter of the North-
 10 west quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and
 11 South quarter line; thence South to center of Section; thence
 12 East to East sixteenth line of Section 13; thence South to
 13 South sixteenth line; thence East to East section line; thence
 14 South to Southeast corner of said Section 13, Township
 15 147 North, Range 94 West of the 5th P. M.; thence East
 16 to South quarter corner of Section 18, Township 147 North,
 17 Range 93 West of the 5th P. M.; thence North to South
 18 sixteenth line; thence East to East line of the West half of the
 19 Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$);
 20 thence South to South Section line; thence East to South-
 21 east corner of said Section 18; thence South to South six-
 22 teenth line of Section 20; thence East to East Section line;
 23 thence South to the North line of the South half of the North
 24 half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28;

1 thence East to North and South quarter line; thence South
 2 to North sixteenth line; thence East to the East line of the
 3 West half of the Southeast quarter of the Northeast quarter
 4 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter
 5 line; thence East to West sixteenth line of Section 27; thence
 6 North to North Section line; thence East to North quarter
 7 corner; thence South to center of Section; thence East to
 8 East sixteenth line; thence South to South sixteenth line;
 9 thence East to North and South quarter line of Section 26;
 10 thence North to center of Section; thence East to East six-
 11 teenth line; thence North to North sixteenth line; thence
 12 East to East line of said Section 26; thence South to South
 13 sixteenth line of Section 25; thence East to East line of
 14 said Section 25, Township 147 North, Range 93 West of
 15 the 5th P. M.; thence East along the South sixteenth line
 16 of Section 30, Township 147 North, Range 92 West of the
 17 5th P. M. to the North and South quarter line; thence
 18 North to center of Section 19; thence East to East sixteenth
 19 line; thence North to North Section line; thence West to
 20 Northwest corner of said Section 19, Township 147 North,
 21 Range 92 West of the 5th P. M.; thence West to South
 22 quarter corner of Section 13, Township 147 North, Range
 23 93 West of the 5th P. M.; thence North to center of Sec-
 24 tion; thence East to East quarter corner of said Section 13,
 25 Township 147 North, Range 93 West of the 5th P. M.;

1 thence North to North sixteenth line of Section 7, Township
 2 147 North, Range 92 West of 5th P. M.; thence East to
 3 West sixteenth line; thence North to South sixteenth line of
 4 Section 6; thence East to East sixteenth line; thence North
 5 to East and West quarter line; thence West to West line of
 6 said Section 6, Township 147 North, Range 92 West of
 7 the 5th P. M.; thence South to South sixteenth line of
 8 Section 1, Township 147 North, Range 93 West of
 9 the 5th P. M.; thence West to North and South quarter
 10 line; thence South to South quarter corner; thence West
 11 to West sixteenth line; thence North to South sixteenth line;
 12 thence West to West line of said Section 1; thence North
 13 to South line of the North half of the Northeast quarter
 14 of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence
 15 West to East sixteenth line; thence North to North line
 16 of the South half of the Southeast quarter of the Northeast
 17 quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line;
 18 thence North to Northeast corner of said Section 2, Town-
 19 ship 147 North, Range 93 West of the 5th P. M.; thence
 20 West to South quarter corner of Section 35, Township 148
 21 North, Range 93 West of the 5th P. M.; thence North
 22 to South sixteenth line; thence West to West Section line;
 23 thence North to West quarter corner of said Section 35;
 24 thence West to center of Section 34; thence North to North
 25 quarter corner; thence East to North quarter corner of Sec-

1 tion 35; thence South to center of Section; thence East to
 2 West sixteenth line of Section 36; thence South to South
 3 Section line; thence East to Southeast corner of said Section
 4 36, Township 148 North, Range 93 West of the 5th P. M.;
 5 thence North to the North line of the South half of the
 6 South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Sec-
 7 tion 31, Township 148 North, Range 92 West of the 5th
 8 P. M.; thence East to North and South quarter line; thence
 9 South to South quarter corner; thence East to South quarter
 10 corner of Section 32; thence North to South sixteenth
 11 line; thence West to East sixteenth line of Section 31;
 12 thence North to East and West quarter line; thence
 13 East to East quarter corner of said Section 31; thence
 14 North to North line of the South half of the North
 15 half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Sec-
 16 tion line; thence North to South line of the North half
 17 of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence
 18 West to East sixteenth line of Section 31; thence North
 19 to North Section line; thence West to Northwest corner
 20 of said Section 31, Township 148 North, Range 92
 21 West of the 5th P. M.; thence North to South sixteenth
 22 line of Section 25, Township 14 North, Range 93 West
 23 of the 5th P. M.; thence West to East sixteenth line;
 24 thence North to East and West quarter line; thence West
 25 to center of Section; thence North to North quarter corner

1 of said Section 25; thence West to West sixteenth line of
 2 Section 24, thence North to North line of the South half
 3 of the Northeast quarter of the Southwest quarter
 4 ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 5 South to South Section line; thence East to Southeast
 6 corner of said Section 24, Township 148 North, Range 93
 7 West of the 5th P. M.; thence South to the North line of
 8 the South half of Lot 2, Section 30, Township 148
 9 North, Range 92 West of the 5th P. M.; thence East
 10 to North and South quarter line; thence South to center
 11 of Section; thence East to East quarter corner; thence
 12 North to Northeast corner of said Section 30; thence
 13 East to East line of the West half of the East half of the
 14 Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence
 15 South to East and West quarter line; thence East to East
 16 sixteenth line of Section 28; thence South to South sixteenth
 17 line; thence East to West sixteenth line of Section 27;
 18 thence North to East and West quarter line; thence West
 19 to West quarter corner; thence North to Northwest corner
 20 of said Section 2; thence West to East sixteenth line of Sec-
 21 tion 21; thence North to East and West quarter line; thence
 22 East to West sixteenth line of Section 22; thence South to
 23 South sixteenth line; thence East to East line of the West
 24 half of the Southeast quarter of the Southwest quarter

1 ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line;
 2 thence East to South quarter corner of said Section 22;
 3 thence South to North line of the South half of the
 4 North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Sec-
 5 tion 27; thence East to East line of said Section 27;
 6 thence South to North sixteenth line of Section 26; thence
 7 East to West line of the East half of the Southeast quarter
 8 of the Northwest quarter; thence South to South six-
 9 teenth line; thence West to the West sixteenth line;
 10 thence South to South Section line; thence East to East
 11 sixteenth line; thence North to South sixteenth line;
 12 thence East to East Section line; thence North to North-
 13 east corner of said Section 26; thence East to Northeast
 14 corner of Section 25; thence North to South sixteenth line
 15 of Section 24; thence West to East sixteenth line; thence
 16 North to North Section line; thence East to Northeast
 17 corner of said Section 24, Township 148 North, Range 92
 18 West of the 5th P. M.; thence South to North sixteenth
 19 line of Section 19, Township 148 North, Range 91 West
 20 of the 5th P. M.; thence East to West sixteenth line; thence
 21 South to East and West quarter line; thence East to center
 22 of Section; thence South to South sixteenth line; thence
 23 East to the East Section line; thence South to the
 24 Southeast corner of said Section 19; thence East to
 25 South quarter corner of Section 20; thence North to

1 North sixteenth line; thence West to West sixteenth
 2 line; thence North to South sixteenth line of Sec-
 3 tion 17; thence West to West Section line; thence
 4 North to North sixteenth line; thence East to West sixteenth
 5 line; thence North to North line of said Section 17;
 6 thence West to the West line of the East half of the
 7 West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Sec-
 8 tion 8; thence North to East and West quarter line;
 9 thence East to center of Section; thence North to South
 10 line of the North half of the Southeast quarter of the North-
 11 west quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West
 12 sixteenth line; thence North to North sixteenth line; thence
 13 West to West Section line; thence North to Northwest
 14 corner of said Section 8; thence West to South quarter corner
 15 of Section 6; thence North to South sixteenth line; thence
 16 West to West sixteenth line; thence North to East and
 17 West quarter line; thence East to East quarter corner of
 18 said Section 6; thence South to South sixteenth line of
 19 Section 5; thence East to North and South quarter line;
 20 thence North to North sixteenth line; thence West to West
 21 sixteenth line; thence North to North line of said Section
 22 5, Township 148 North, Range 91 West of the 5th P. M.;
 23 thence East to East sixteenth line of Section 34, Town-
 24 ship 149 North, Range 91 West of the 5th P. M.; thence
 25 North to South sixteenth line; thence West to West line

1 of the East half of the Northwest quarter of the Southeast
 2 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 3 quarter line; thence East to East quarter corner of said Sec-
 4 tion 34; thence South to South sixteenth line of Section 35;
 5 thence East to East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence East to South quarter
 8 corner; thence North to North sixteenth line; thence West
 9 to West sixteenth line; thence North to North Section
 10 line; thence East to North quarter corner of said Sec-
 11 tion 35; thence North to center of Section 26; thence
 12 East to East sixteenth line; thence North to North
 13 Section line; thence West to North quarter corner of
 14 said Section 26; thence North to South sixteenth line
 15 of Section 23; thence West to West line of the East
 16 half of the Northeast quarter of the Southwest quarter
 17 ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter
 18 line; thence West to West sixteenth line; thence North
 19 to North sixteenth line; thence West to West Section line;
 20 thence North to Northwest corner of said Section 23; thence
 21 West to East sixteenth line of Section 15; thence
 22 North to East and West quarter line; thence West
 23 to West line of the East half of the West half of
 24 the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to
 25 North Section line; thence West to North quarter

1 corner of said Section 15; thence North to center of Section
 2 10; thence West to West sixteenth line; thence North to
 3 North sixteenth line; thence West to East sixteenth line
 4 of Section 9; thence North to South sixteenth line of
 5 Section 4; thence West to West sixteenth line; thence North
 6 to North Section line; thence West to Northwest corner of
 7 said Section 4, Township 149 North, Range 91 West of
 8 the 5th P. M.; thence North to East quarter corner of Sec-
 9 tion 32, Township 150 North, Range 91 West of the 5th
 10 P. M.; thence West to West quarter corner; thence South
 11 to Southwest corner of said Section 32, Township 150
 12 North, Range 91 West of the 5th P. M.; thence West
 13 to East sixteenth line of Section 6, Township 149 North,
 14 Range 91 West of the 5th P. M.; thence South to
 15 North sixteenth line; thence West to West sixteenth
 16 line; thence South to East and West quarter line; thence
 17 West to West Section line; thence South to North line of
 18 the South half of Lot 6 of said section; thence East to West
 19 sixteenth line; thence South to South sixteenth line; thence
 20 East to East line of the West half of the Southeast quarter
 21 of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to
 22 South Section line; thence West to Southwest corner of
 23 said Section 6, Township 149 North, Range 91 West of
 24 the 5th P. M.; thence West to East sixteenth line of Sec-
 25 tion 1, Township 149 North, Range 92 West of the 5th

1 P. M.; thence North to South sixteenth line; thence West
 2 to the East line of the Northwest quarter of the Southeast
 3 quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence
 4 South to South line of the Northwest quarter of the South-
 5 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 6 thence West to West Section line; thence South to South-
 7 west corner of said Section 1; thence West to West
 8 sixteenth line of Section 11; thence South to North
 9 line of the South half of the Northeast quarter of the
 10 Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the
 11 East line of the Southwest quarter of the Northwest
 12 quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$);
 13 thence South to North sixteenth line; thence East to
 14 East sixteenth line; thence South to North line of the
 15 Southwest quarter of the Southeast quarter of the North-
 16 east quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line
 17 of the Southwest quarter of the Southeast quarter of
 18 the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South
 19 to East and West quarter line; thence East to East
 20 quarter corner; thence South to Southeast corner of
 21 said Section; thence West to East sixteenth line;
 22 thence North to South sixteenth line; thence West to
 23 North and South quarter line of Section 11; thence South
 24 to North sixteenth line of Section 14; thence West to
 25 East line of the West half of the Southwest quarter

1 of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) ; thence South
 2 to East and West quarter line; thence West to West quarter
 3 corner; thence South to Southwest corner of said Section
 4 14; thence West to East sixteenth line of Section 15; thence
 5 North to East and West quarter line; thence West to the
 6 West line of the East half of the Southeast quarter of the
 7 Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence
 8 North to the North line of the Southeast quarter of the
 9 Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) ;
 10 thence East to East Section line; thence North to
 11 Northeast corner of said Section 16; thence East to
 12 the South quarter corner of Section 10; thence North
 13 to South sixteenth line; thence East to East sixteenth
 14 line; thence North to North line of said Section 10;
 15 thence West to East line of the West half of the
 16 Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$)
 17 of Section 3; thence North to South sixteenth line;
 18 thence West to West Section line; thence North to West
 19 quarter corner of said Section 3; thence West to center of
 20 Section 4; thence South to South quarter corner; thence
 21 West to West sixteenth line; thence North to South line
 22 of the North half of the Northwest quarter of the South-
 23 west quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$) ; thence West to West line
 24 of said Section 4; thence North to South line of the North
 25 half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$)

1 of Section 5; thence West to North and South quarter
 2 line; thence North to North quarter corner; thence West
 3 to Northwest corner of said Section 5; thence South
 4 to North sixteenth line of Section 6; thence West to
 5 West sixteenth line; thence North to North line of said
 6 Section 6, Township 149 North, Range 92 West of
 7 the 5th P. M.; thence East to the West line of the
 8 East half of the Southeast quarter of the Southwest
 9 quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150
 10 North, Range 92 West of the 5th P. M.; thence North
 11 to South sixteenth line; thence West to West Section
 12 line; thence South to Southwest corner of said Section
 13 31, Township 150 North, Range 92 West of the 5th
 14 P. M.; thence West to East sixteenth line of Section
 15 36, Township 150 North, Range 93 West of the
 16 5th P. M.; thence North to East and West quarter
 17 line; thence West to center of Section; thence South
 18 to South quarter corner of said Section 36, Town-
 19 ship 150 North, Range 93 West of the 5th P. M.;
 20 thence West to the East line of the West half of the East half
 21 of the Northwest quarter of Section 1, Township 149
 22 North, Range 93 West of the 5th P. M.; thence South
 23 to East and West quarter line; thence West to West
 24 line of the East half of the Southwest quarter of the
 25 Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to

1 North sixteenth line; thence East to West sixteenth
 2 line; thence North to North line of said Section 1, Town-
 3 ship 149 North, Range 93 West of the 5th P. M.; thence
 4 West to Southeast corner of Section 35, Township 150
 5 North, Range 93 West of the 5th P. M.; thence North
 6 to South sixteenth line; thence West to East sixteenth line;
 7 thence South to South Section line; thence West to West
 8 sixteenth line; thence North to South sixteenth line; thence
 9 East to North and South quarter line; thence North to
 10 North sixteenth line; thence West to West sixteenth line;
 11 thence South to East and West quarter line of Section 35;
 12 thence West to West line of the East half of the East half
 13 of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34;
 14 thence North to North Section line; thence West to
 15 North quarter corner; thence South to North sixteenth
 16 line; thence West to East sixteenth line of Section 33;
 17 thence North to North Section line; thence East to
 18 Northeast corner of said Section 33; thence North to
 19 East quarter corner of Section 28; thence West to West
 20 sixteenth line; thence North to North sixteenth line; thence
 21 West to East sixteenth line of Section 29; thence South
 22 to East and West quarter line; thence West to East line
 23 of the West half of the West half of the Southeast quarter
 24 ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Sec-
 25 tion 29; thence West to West sixteenth line of Section 32;

1 thence South to North sixteenth line; thence West to
 2 West Section line; thence South to West quarter corner
 3 of said Section 32; thence West to East sixteenth line
 4 of Section 31; thence North to North Section line;
 5 thence East to Northeast corner of said Section 31;
 6 thence North to West quarter corner of Section 29;
 7 thence East to West sixteenth line; thence North to
 8 East and West quarter line of Section 20; thence West
 9 to West quarter corner of said Section 20; thence North
 10 to North sixteenth line of Section 19; thence West to
 11 West line of said Section 19, Township 150 North,
 12 Range 93 West of the 5th P. M.; thence South to
 13 East quarter corner of Section 24, Township 150 North,
 14 Range 94 West of the 5th P. M.; thence West to West line
 15 of the East half of the Southwest quarter of the Northeast
 16 quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth
 17 line; thence East to East sixteenth line; thence North to
 18 North line of said Section 24; thence West to Southeast
 19 corner of Section 14; thence North to South sixteenth line;
 20 thence West to West line of said Section 14; thence South
 21 to Southeast corner of Section 15; thence West to South-
 22 west corner of said Section 15; thence North to South
 23 sixteenth line of Section 16; thence West to North
 24 and South quarter line; thence North to North sixteenth
 25 line; thence East to North and South quarter line of
 26 Section 15; thence South to center of Section; thence

1 East to East quarter corner of said Section 15; thence
 2 North to Northwest corner of Section 14; thence East to
 3 North quarter corner of Section 13; thence South to North
 4 sixteen line; thence East to East Section line; thence North
 5 to Northeast corner of said Section 13; thence West to East
 6 sixteen line of Section 12; thence North to South sixteen
 7 line; thence West to North and South quarter line; thence
 8 North to center of Section; thence West to West line of the
 9 East half of the Southeast quarter of the Northwest quarter
 10 ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteen line;
 11 thence West to West line of Section 12; thence North
 12 to North sixteen line of Section 2; thence West to
 13 East sixteen line; thence North to North line of said
 14 Section 2, Township 150 North, Range 94 West of
 15 the 5th P. M.; thence North on East sixteen line of
 16 Section 35, Township 151 North, Range 94 West of
 17 the 5th P. M. to the East and West quarter line; thence
 18 East to East quarter corner; thence North to North
 19 sixteen line; thence West to East sixteen line; thence
 20 North to South sixteen line of Section 26; thence West
 21 to North and South quarter line; thence North to center of
 22 Section; thence East to East quarter corner of said Section
 23 26; thence North to Southwest corner of Section 24; thence
 24 East to West sixteen line; thence North to South
 25 sixteen line of Section 13; thence West to West Sec-

1 tion line; thence South to Southwest corner of said
 2 Section 13; thence West to East sixteenth line of Sec-
 3 tion 14; thence North to East and West quarter line;
 4 thence West to West line of the East half of the West
 5 half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence
 6 North to North line of said Section 14; thence East to East
 7 sixteenth line of Section 11; thence North to South
 8 sixteenth line; thence West to West Section line; thence
 9 South to Southwest corner of said Section 11; thence
 10 West to East sixteenth line of Section 10; thence
 11 North to East and West quarter line; thence East to
 12 East quarter corner; thence North to Northeast corner
 13 of said Section 10; thence West to South quarter corner of
 14 Section 3; thence North to North line of the South half
 15 of the Northwest quarter of the Southeast quarter
 16 ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the South-
 17 west quarter of the Northeast quarter of the Southeast
 18 quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth
 19 line of Section 3; thence East to West sixteenth line of
 20 Section 2; thence South to South Section line; thence East
 21 to South quarter corner of said Section 2; thence South on
 22 North and South quarter line of Section 11 to North
 23 sixteenth line; thence East to East sixteenth line; thence
 24 North to North Section line; thence East to Northeast corner
 25 of said Section 11; thence South to North sixteenth line of
 26 Section 12; thence East to North and South quarter line;

1 thence North to North sixteenth line of Section 1; thence
 2 West to West sixteenth line; thence North to North
 3 line of Section 1, Township 151 North, Range 94 West
 4 of the 5th P. M.; thence North on the West sixteenth
 5 line of Section 36, Township 152 North, Range 94
 6 West of the 5th P. M. to the South sixteenth line; thence
 7 East to North and South quarter line; thence North to North
 8 quarter corner; thence East to Northeast corner of said Sec-
 9 tion 36, Township 152 North, Range 94 West of the 5th
 10 P. M.; thence East to the South quarter corner of
 11 Section 30, Township 152 North, Range 93 West of
 12 the 5th P. M.; thence North to South sixteenth line;
 13 thence East to the East Section line; thence North to
 14 Northeast corner of said Section 30; thence East to
 15 South quarter corner of Section 20; thence North to
 16 South sixteenth line; thence East to West line of the
 17 East half of the Northwest quarter of the Southeast
 18 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 19 quarter line; thence East to East quarter corner; thence
 20 North to West quarter corner of Section 16; thence
 21 East to West sixteenth line; thence South to South
 22 sixteenth line; thence East to East sixteenth line; thence
 23 South to South Section line; thence East to Southeast
 24 corner of said Section 16; thence North to Southeast
 25 corner of Section 9; thence West to South quarter cor-

1 ner; thence North 2,441.3 feet along the North and
 2 South quarter line to the North boundary of the Ft.
 3 Berthold Indian Reservation line as surveyed; thence
 4 East with said Reservation line approximately two (2)
 5 miles to the low water line of the Missouri River at the left
 6 bank of said stream; thence downstream with said low water
 7 line approximately seven (7) miles to the East and West
 8 quarter line of Section 7, Township 151 North, Range 93
 9 West of the 5th P. M.; thence East to center of Section;
 10 thence South to South quarter corner of said Section 7;
 11 thence West to the West sixteenth line of Section 18; thence
 12 South to South Section line; thence East to South quarter
 13 corner of said Section 18; thence South to North sixteenth
 14 line of Section 30; thence West to West sixteenth line;
 15 thence South to South sixteenth line; thence West to the
 16 West Section line; thence South to the Southwest corner
 17 of Section 31, Township 151 North, Range 93 West of
 18 the 5th P.M., being the same point as the point of begin-
 19 ning; also Lot 2, Southeast quarter of the Northeast
 20 quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), South-
 21 east quarter of the Southwest quarter of the Southeast
 22 quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion
 23 of Lot 5 of Section 13 bounded on the North by the
 24 North Section line, on the East by the Ft. Berthold
 25 Indian Reservation Line, on the South by a line 660 feet
 26 South and parallel to the North Section Line and on the

- 1 West by a line 660 feet East and parallel to the North
 2 and South quarter line of said Section 13, Township 147
 3 North, Range 87 West of the 5th P.M., containing in
 4 the aggregate, less water surface, 175,716.44 acres, more
 5 or less, EXCEPTING therefrom the following described
 6 lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N-----	92 W-----	5	Lot 1-----	40.10
147 N-----	91 W-----	2	Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ -----	158.20
147 N-----	92 W-----	4	Lots 3, 4 & 5-----	71.60
		5	Lots 1, 2, 3-----	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	149.36
147 N-----	94 W-----	14	W $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
		22	Lots 7, 8, 9, 11-----	102.45
148 N-----	91 W-----	23	Lots 5, 6, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	209.81
		17	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		33	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	45.00
148 N-----	92 W-----	32	Lots 4 & 5-----	66.03
149 N-----	91 W-----	11	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
		14	S $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
		15	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
		23	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
150 N-----	91 W-----	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	10.00

McKENZIE COUNTY

152 N-----	93 W-----	15	SW $\frac{1}{4}$ -----	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions-----	62.91
		29	N $\frac{1}{2}$, SW $\frac{1}{4}$ -----	480.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ -----	308.88
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions-----	324.54
		33	Lot 2, plus accretions-----	18.91
152 N-----	94 W-----	36	NE $\frac{1}{4}$ -----	160.00

McLEAN COUNTY

147 N-----	87 W-----	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.-----	11.58
		17	NW $\frac{1}{4}$ -----	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	150.28
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ -----	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$ -----	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions-----	111.42
		23	Lots 3 & 4 less erosions-----	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ -----	391.19
147 N-----	88 W-----	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	80.00
		24	W $\frac{1}{2}$ E $\frac{1}{2}$ -----	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.-----	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		36	Lots 1, 2 & 3-----	53.00
147 N-----	89 W-----	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	20.00
		6	Lot 4-----	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	200.00
147 N-----	90 W-----	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$ -----	198.26
148 N-----	89 W-----	30	Lot 4-----	35.14
148 N-----	90 W-----	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	120.00

MCLEAN COUNTY—Continued

Township	Range	Section	Description	Acres
148 N	90 W	25	$S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$	160.00
		26	$W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$	120.00
		27	$SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	240.00
		28	$SE\frac{1}{4}NE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
		29	$NW\frac{1}{4}NE\frac{1}{4}, SW\frac{1}{4}, SE\frac{1}{4}$	360.00
		30	Lots 3 & 4, $E\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}$	311.47
		31	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}$	311.81
		32	$SW\frac{1}{4}$	160.00
		33	$SW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$	280.00
		34	$SE\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$	160.00
		35	$N\frac{1}{2}NE\frac{1}{4}$	80.00
		36	$W\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
148 N	91 W	1	$SW\frac{1}{4}SE\frac{1}{4}, SW\frac{1}{4}, Lot 4, SW\frac{1}{4}NW\frac{1}{4}$	268.44
		2	Lots 1 & 2, $SE\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	377.35
148 N	91 W	12	$NW\frac{1}{4}NW\frac{1}{4}$	40.00
		23	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		24	$SE\frac{1}{4}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$	120.00
		25	$NE\frac{1}{4}, SE\frac{1}{4}, SW\frac{1}{4}$	480.00
149 N	90 W	26	Lots 4 & 5 plus accretions.	74.88
		36	$NE\frac{1}{4}$	160.00
		8	$SE\frac{1}{4}E\frac{1}{2}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}$	280.00
		10	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		12	$S\frac{1}{2}S\frac{1}{2}$	160.00
		13	$N\frac{1}{2}N\frac{1}{2}, W\frac{1}{2}SE\frac{1}{4}$	240.00
		14	$NE\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}$	280.00
		15	$NE\frac{1}{4}$	160.00
		16	$NW\frac{1}{4}NE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}$	160.00
		17	$NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$	122.50
		18	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	278.87
		19	$NE\frac{1}{4}$	160.00
149 N	91 W	20	$W\frac{1}{2}NW\frac{1}{4}$	80.00
		21	$S\frac{1}{2}SW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	120.00
		22	$N\frac{1}{2}NW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$	100.00
		23	$N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$	40.00
		24	$NE\frac{1}{4}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	100.00
		27	$NW\frac{1}{4}SW\frac{1}{4}$	40.00
		28	$NW\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		29	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		31	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		32	$S\frac{1}{2}$	320.00
		33	$W\frac{1}{2}SW\frac{1}{4}$	80.00
		13	Lot 1	45.78
149 N	91 W	1	$W\frac{1}{2}SW\frac{1}{4}$	80.00
150 N	91 W	2	Lot 4, $SW\frac{1}{4}NW\frac{1}{4}, SE\frac{1}{4}$	239.36
		4	Lots 1 & 2 and $S\frac{1}{2}NE\frac{1}{4}$	158.44
		6	Lots 1 & 2, $S\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}$	319.21
		9	$SE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}, 1 \text{ acre in the extreme SE corner of } NE\frac{1}{4}SW\frac{1}{4}$	201.00
		10	$NE\frac{1}{4}, Lots 1, 2, 3 \text{ and } SW\frac{1}{4}SW\frac{1}{4}$	259.60
		11	$NE\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$	120.00
		12	$W\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}, SW\frac{1}{4}, SE\frac{1}{4}$	560.00
		13	$NW\frac{1}{4}, NE\frac{1}{4}, SE\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, $SW\frac{1}{4}NW\frac{1}{4}, SW\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, $S\frac{1}{2}N\frac{1}{2}, N\frac{1}{2}S\frac{1}{2}$	397.30
		16	$S\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, also the following described tract; Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
150 N	91 W	17	$NE\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$	42.50
		18	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	$N\frac{1}{2}NW\frac{1}{4}$	80.00
		24	Lot 1, $SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, $NE\frac{1}{4}SW\frac{1}{4}$	288.29
		8	$W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	240.00
		9	$NW\frac{1}{4}$	160.00
146 N	89 W	2	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		11	$N\frac{1}{2}, N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$	360.00
147 N	89 W	18	$SE\frac{1}{4}SW\frac{1}{4}$	40.00
		19	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		27	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		28	$S\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}$	240.00
		29	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
147 N	90 W	25	$E\frac{1}{2}NW\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

150 N	92 W	20	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		23	$NW\frac{1}{4}SE\frac{1}{4}$	40.00
		26	$W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	160.00
		28	$S\frac{1}{2}SE\frac{1}{4}$	80.00
		29	$E\frac{1}{2}$	320.00
		33	$SE\frac{1}{4}NE\frac{1}{4}$	40.00
		34	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}NE\frac{1}{4}$	120.00
		35	$N\frac{1}{2}SE\frac{1}{4}$	80.00
		36	$S\frac{1}{2}S\frac{1}{2}$	160.00
		14	$SW\frac{1}{4}SW\frac{1}{4}$	40.00
150 N	93 W	15	$N\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SE\frac{1}{4}$	120.00
		16	Lot 1 and $SE\frac{1}{4}SW\frac{1}{4}$ plus accretions.	79.97
		17	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		22	$N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$	40.00
		23	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, $NE\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}$ plus accretions.	178.26
		26	$N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	20.00

1 said exceptions, as tabulated above, containing 20,804.83
 2 acres, more or less.

3 Total area of lands held by the Three Affiliated Tribes
 4 within the Reservation Boundaries and within the Taking
 5 Line of the Garrison Reservoir is 154,911.61 acres, more or
 6 less.

7 PART B—RURAL AREAS

MOUNTRAIL COUNTY

151 N.....	92 W.....	24	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
151 N.....	93 W.....	6	Lot 5.....	32.11
		7	Lot 2.....	10.69
		8	NW $\frac{1}{4}$	160.00
152 N.....	93 W.....	22	Lot 3.....	29.24
		23	Lots 1 & 2.....	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$	98.12
			Total.....	543.89

8 PART C—IN TOWNSITES OF VAN HOOK AND SANISH, 9 NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9.....	All.	28 to 29.....	All.
10.....	3, 5 to 16.	30.....	9 to 16.
15.....	6, 15, 16.	31.....	All.
16.....	9, 10, 16.	33 to 36.....	All.
17.....	8, 9, 10, 12 to 15.	37.....	5 to 16.
18.....	All.	38 to 40.....	All.
19.....	2 to 9.	41.....	1, 2, 9 to 16.
20 to 26.....	All.	42.....	All.
27.....	1 to 8.		

SANISH

1 to 14.....	All.	49.....	1, 4 to 12.
15.....	1 to 17, 19, 20.	50.....	7 to 12.
16 & 17.....	All.	51 & 52.....	All.
18.....	1 to 6, 9, 10, 12.	53.....	1 to 6, 9 to 12.
19 & 20.....	All.	54.....	8, 9, 10, 12.
21.....	1 to 9.	55.....	7, 8.
22.....	1 to 6, 10.	56.....	10, 11, 12.
23 & 24.....	All.	57.....	10, 11.
25.....	1, 2, 3.	58.....	9 to 12.
26.....	1 to 6, 8, 11, 12.	59.....	5, 6.
27.....	1, 2, 9, 11.	60.....	1 to 6.
28.....	2, 11, 12.	61.....	1, 2, 3, 9 to 20.
29 & 30.....	All.	62.....	1 to 5, 8.
32.....	1 to 6, 11.	65.....	3 to 6.
33.....	1 to 6.	66.....	1 to 4, 6.
34.....	2 to 8, 12 to 20.	67.....	1 to 15.
35 & 36.....	All.	68.....	1 to 6, 8 to 12.
37.....	1 to 7, 10 to 12.	69.....	5, 6, 7.
39.....	1 to 6, 12.	70.....	1, 2, 4.
40.....	All.	71 & 72.....	All.
41.....	1 to 14, 19, 20.	73.....	3, 7 to 12.
42.....	2, 4, 8.	74.....	All.
44.....	2 to 7.	75.....	1, 2, 7 to 10.
46.....	1 to 3, 9, 10, 12.	76 to 81.....	All.
47.....	2 to 6, 9.	82.....	1, 2, 3.
48.....	1 to 6, 8 to 12.	84.....	3.

1 PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH
2 AND VAN HOOK, NORTH DAKOTA

VAN HOOK	
Block	Lots
32-----	All.
SANISH	
31-----	All.
42-----	6, 7.
43-----	All.

3 Part E, all rights in coal heretofore reserved to the
4 Tribes in the following described lands:

DUNN COUNTY				
Township	Range	Section	Description	Acres
146 N-----	92 W-----	5	Lot 1-----	40.10
147 N-----	92 W-----	4	Lots 3, 4 & 5-----	71.60
		5	Lots 1, 2 & 3-----	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	149.36
147 N-----	94 W-----	22	Lots 7, 8, 9 & 11-----	102.45
		23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	209.81
148 N-----	92 W-----	32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ -----	146.03
149 N-----	91 W-----	14	S $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00

McKENZIE COUNTY				
152 N-----	93 W-----	29	N $\frac{1}{2}$, SW $\frac{1}{4}$ -----	480.00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	148.88
152 N-----	94 W-----	36	NE $\frac{1}{4}$ -----	160.00

McLEAN COUNTY				
Township	Range	Section	Description	Acres
147 N-----	87 W-----	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$ -----	160.00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
147 N-----	88 W-----	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		21	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
148 N-----	90 W-----	21	S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
149 N-----	90 W-----	12	S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
150 N-----	91 W-----	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$ -----	80.00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00

MERCER COUNTY				
146 N-----	88 W-----	4	Lots 1 & 2-----	85.90
147 N-----	9 W-----	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ -----	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00

MOUNTRAIL COUNTY				
150 N-----	93 W-----	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
			Grand total-----	2,881.33

1 Together with all rights in coal reserved to the Tribes in
2 patents issued for other lands within the Garrison Reservoir.

3 ARTICLE III

4 Section 1. The fund of \$5,105,625 shall be subject to
5 disbursement under the direction of the Commissioner of
6 Indian Affairs, Bureau of Indian Affairs, United States
7 Department of the Interior, hereinafter called the "Com-
8 missioner", for the following purposes:

9 (a) Payment for tribal and allotted Indian lands
10 and improvements, including heirship interests, and
11 values above and below the surface, to be taken for
12 the Garrison Project;

13 (b) Costs of relocating and re-establishing the
14 members of the tribes who reside within the Taking
15 Area of the Garrison Project; and

16 (c) Costs of relocating and re-establishing Indian
17 cemeteries, tribal monuments, and shrines within the
18 Taking Area of the Garrison Project.

19 Section 2. The cost of relocating and re-establishing
20 government owned buildings, facilities, roads and bridges
21 will be paid from appropriations made or to be made for
22 the construction of Garrison Reservoir, and funds for these
23 purposes may, in the discretion of the Chief of Engineers,
24 be transferred to the Commissioner for expenditure.

25 Section 3. No portion of the said fund of \$5,105,625

1 shall be expended by any agency of the government for
2 any expense or cost incurred by it in carrying out the terms
3 of this contract.

4 Section 4. Any unexpended balance remaining from
5 the said fund of \$5,105,625 after the completion of the
6 purposes set forth in subsections (a), (b), and (c) of
7 Section 1 of this Article shall remain to the credit of the
8 tribes.

9 Section 5. Lands and improvements belonging to any
10 church, mission, missionary society or to any person not a
11 member of the tribes are excluded from this contract and
12 no part of the fund dealt with in this Article shall be used
13 to pay for the same.

14

ARTICLE IV

15 Section 1. The Commissioner shall have prepared an
16 appraisal schedule on an individual tract basis of the tribal
17 and allotted lands and improvements, including heirship
18 interests, located within the Taking Area. In the prepara-
19 tion thereof, he shall determine the fair market value of the
20 land and improvements, giving full and proper weight to
21 the following elements of appraisal: damage suffered by
22 partial taking of any tract of land, value of standing timber,
23 mineral rights, and the uses to which the lands are reason-
24 ably adapted. He shall also have the said schedule of
25 appraisal submitted to the Chief of Engineers for approval.

1 Section 2. Upon approval by the Chief of Engineers,
2 the Commissioner shall transmit to the Council the schedule
3 of appraisal in its entirety and such portions of the said
4 schedule to individual Indians as relate to their respective
5 interests. The Council and the interested individual Indians
6 will have ninety days from the date of transmittal in which
7 to present to the Commissioner their objections, if any, for
8 consideration and action thereon.

9 Section 3. The right of the tribes and of the allottees
10 and heirs of allottees to accept or reject the appraisal cover-
11 ing their respective property is reserved to them. Upon
12 the rejection of the appraisal affecting the lands or the
13 respective interests, the Department of the Army shall insti-
14 tute proceedings in the United States District Court for
15 North Dakota for the purpose of having the just compen-
16 sation for such property judicially determined. Any judg-
17 ment entered against the United States in such proceedings
18 shall be charged against the said fund of \$5,105,625.

19 Section 4. In all proceedings instituted in accordance
20 with Section 3 of this Article, individual members of the
21 tribes may request the Commissioner of Indian Affairs to
22 designate attorneys of the Bureau of Indian Affairs to
23 represent them.

24 ARTICLE V

25 Section 1. The administrative responsibility for the

1 removal, relocation and re-establishment of the members of
2 the tribes shall be vested in the Commissioner. The Com-
3 missioner shall prepare a plan of removal, together with
4 the estimates of cost, and submit the same to the Chief
5 of Engineers. Upon approval by the Chief of Engineers,
6 the plan and estimates shall be transmitted to the Council
7 and on approval by it the Commissioner shall carry out such
8 plan. The plan shall include but shall not be restricted to
9 the cost of transporting to their new locations members of
10 the tribes, their household goods, farming equipment, live-
11 stock and other property, the cost of constructing fences
12 and of developing domestic and livestock water supplies on
13 the residual reservation as it may be extended, and the cost
14 of dismantling, transporting, and re-erecting salvageable
15 buildings and improvements.

16 Section 2. The Chief of Engineers shall promptly submit
17 to the Commissioner a schedule showing the approximate
18 time of clearing the right-of-way of the Garrison Project
19 within the Taking Area of the Fort Berthold Reservation.
20 Thereafter the Chief of Engineers and the Commissioner
21 shall at least annually review the schedule of removal to
22 decide upon any changes proposed by either party. The
23 Chief of Engineers shall, however, have final authority to
24 determine any necessary changes required to be made in
25 the schedule. The schedule shall provide for systematic and

1 orderly clearing of the right-of-way by succession of segments.

2 ARTICLE VI

3 Section 1. The Commissioner shall prepare a plan, to-
4 gether with cost estimates, for the relocation and re-estab-
5 lishment of tribal monuments, shrines and other tribal
6 facilities, and for the disinterment and reinterment of all
7 bodies within the Taking Area, designated by the Council,
8 allottees, heirs, and churches, and submit the same to the
9 Chief of Engineers. Upon approval of the plan and cost
10 estimates by the Chief of Engineers the Commissioner shall
11 transmit the same to the Council and upon approval by it,
12 the Commissioner shall carry out such plan.

13 Section 2. New sites for the re-establishment of monu-
14 ments, shrines, private burials, and cemeteries shall be ac-
15 quired out of the proceeds from the taking of present sites
16 within the Taking Area. Titles to the new sites shall be
17 of like character as exist for the sites acquired by the United
18 States within the Taking Area.

19 Section 3. Responsibility for carrying out the plan pro-
20 vided for in Section 1 of this Article shall be undertaken,
21 insofar as practicable, by the interested churches, heirs,
22 allottees, Council, or keepers of a particular shrine. The
23 removal plan shall provide for the employment of Indians
24 and for tribal and religious ceremonies. The Commissioner,

1 however, is authorized and directed to assume any respon-
2 sibility not assumed by any other interested party or parties.

3 ARTICLE VII

4 The amount determined to be due the tribes for tribal
5 lands and interests under the terms and conditions of this
6 contract shall be held in trust by the United States for said
7 tribes and may be used to acquire such other lands or other
8 tribal property, or for such other purposes, as may be
9 determined by the Council with the approval of the Com-
10 missioner. All lands thus acquired shall be held by the
11 United States in trust for the benefit of the tribes as other
12 tribal lands and shall be inalienable and non-taxable until
13 otherwise provided by Congress, notwithstanding any other
14 restrictions on the purchase of land under any other law.

15 ARTICLE VIII

16 Section 1. The amount determined to be due the indi-
17 vidual allottees and other individual Indians shall be
18 deposited to such individual Indians in their Individual
19 Indian Money Accounts and shall be available for expendi-
20 tures under the terms of this contract.

21 Section 2. Under regulations of the Secretary of the
22 Interior or his duly authorized representative, the Superin-
23 tendent of the Fort Berthold Reservation may authorize
24 the disbursement of funds deposited in the Individual Money
25 Accounts of non-resident members of the tribe and of such

1 other members who, in his opinion, do not require super-
2 vision over such funds. Expenditures may be made from
3 the accounts of individual Indians whenever necessary and
4 desirable for the purchase of new lands, homes, or other
5 property for such Indians.

6 Section 3. Title to new lands acquired with the proceeds
7 deposited to the credit of the allottees or heirs shall be taken
8 in the name of the United States in trust for the individual
9 Indians entitled thereto, and shall be non-alienable and non-
10 taxable until otherwise provided by Congress.

11 ARTICLE IX

12 Section 1. Upon the approval of this contract by the
13 Council and by a majority of the adult members of the
14 tribes and its enactment into law, it is, and shall be held to
15 be a relinquishment and conveyance to the Government of
16 all lands, rights and interests within the Taking Area by
17 the tribes as to tribal lands and by the allottees and heirs
18 as to allotted lands, and no further relinquishment or instru-
19 ment of conveyance shall be required to extinguish the
20 Indians' interest in and to such lands and rights and to
21 vest the title in the United States.

22 ARTICLE X

23 Section 1. Within two years from the date of this con-
24 tract the Commissioner, with the approval of the Council,
25 will transmit to the Chief of Engineers a plan for the grazing

1 of livestock between the taking line and the actual water
2 line of the Garrison Reservoir within the residual Fort
3 Berthold Reservation. The said plan shall be based upon
4 the fullest development of the residual reservation for live-
5 stock, and shall be accompanied by one or more maps upon
6 which the areas required for grazing shall be delimited.
7 Upon approval of the plan by the Chief of Engineers, the
8 grazing areas delimited for the use of reservation livestock
9 shall be permanently reserved to the tribes and the members
10 thereof, and may not be reduced or changed thereafter except
11 with the consent of the Commissioner and approval of the
12 Council. The Council may promulgate Rules and Regula-
13 tions for the utilization of the areas so reserved.

14 Section 2. In the preparation of the grazing area plan,
15 provided for in Section 1 of this Article, the Commissioner
16 shall, upon the advice of the Chief of Engineers, eliminate
17 any feature which would interfere with the operation of the
18 Garrison Project, but no reservation of land below the taking
19 line of Garrison Reservoir for park, recreational, or wildlife
20 conservation within the Fort Berthold Reservation shall
21 operate to interfere with the prior right of the tribes and
22 the members thereof to the grazing areas delimited by the

1 Commissioner and approved by the Chief of Engineers, not-
2 withstanding the provisions of Section 4 of the Flood Control
3 Act of December 22, 1944 (Public Law No. 534, 78th Con-
4 gress) as amended or supplemented by Section 4 of the
5 Flood Control Act of July 24, 1946 (Public Law No. 526,
6 79th Congress).

7 Section 3. The Council will cooperate with the govern-
8 ment and with the State of North Dakota in the conserva-
9 tion, development, and utilization of the wildlife resources
10 within the Taking Area. The hunting and trapping rights
11 of the tribes and the members thereof, as presently estab-
12 blished, are expressly reserved to them, and the Council will
13 have the right to issue licenses in accordance with tribal
14 regulations. The tribes and the members thereof will be
15 entitled to fish in Garrison Reservoir under such Rules and
16 Regulations as the Chief of Engineers may establish, but they
17 shall not be required to pay any license fee therefor.

18 Section 4. The right is reserved to the tribes for use
19 by its members, under such terms and conditions as shall
20 be determined upon by the Council and in accordance with
21 plans approved by the Chief of Engineers, to establish boat
22 harbors, wharfs and recreational areas within the Taking

1 Area, provided that service and dock privileges shall not
2 be made available to non-members of the tribes within the
3 Taking Area of the Reservoir located within the exterior
4 boundaries of the reservation except in accordance with
5 regulations and schedules of rates approved by the tribes
6 with the concurrence or approval of the Chief of Engineers.

7 ARTICLE XI

8 Section 1. The tribes and the members thereof may
9 salvage, remove, reuse, sell, or otherwise dispose of all or
10 any part of their improvements within the Taking Area
11 without any deduction therefor in the appraisal schedule to
12 be prepared by the Commissioner, subject to the condition
13 that the District Engineer, Garrison District, may not enter
14 for the purpose of clearing the said improvements until at
15 least October 1, 1952, and subject further to the condition
16 that the District Engineer shall serve notice of such purpose
17 at least three months prior thereto.

18 Section 2. The tribes and the members thereof shall
19 have the privilege of cutting timber and all forest products
20 and removing sand and gravel, and may use, sell, or other-
21 wise dispose of the same until at least October 1, 1950 with-
22 out any deduction therefor in the appraisal schedule to be
23 prepared by the Commissioner, subject to the condition that

1 the said date may be adjusted to a later date by the Chief
2 of Engineers on the request of the Commissioner, and sub-
3 ject to the further condition that the District Engineer,
4 Garrison District, shall serve notice of clearing at least three
5 months prior thereto.

6 Section 3. The tribes and the members thereof may re-
7 move, sell, or otherwise dispose of lignite until such date
8 as the District Engineer, Garrison District, fixes for the im-
9 poundment of waters.

10 Section 4. The District Engineer, Garrison District, will
11 give notice at least six months in advance of the date on or
12 after which impoundment of waters may begin, and no
13 damage for loss of life or property due to impoundment
14 of waters on or after the date specified in said notice may be
15 claimed. The date established by such notification will not
16 be earlier than October 1, 1952.

17 ARTICLE XII

18 If, in the future, sub-surface values are discovered within
19 the Taking Area, which if known at this time would increase
20 the value of said area, and said values are reduced to money,
21 then the tribes shall be entitled to have paid to them a
22 royalty of one-eighth of the money received for the oil and
23 gas extracted after the ratification of this agreement. Said

1 royalties to be deposited to the tribal funds, or paid to allottees
2 or heirs as their interests now appear.

3 ARTICLE XIII

4 This agreement has been reached upon the understand-
5 ing that it was the intention of Congress that the entire
6 reasonable cost of accomplishing the purposes set forth in
7 subparagraphs (a), (b), and (c) of Section 1, Article
8 III, should be paid from appropriations made or to be made
9 for the construction of Garrison Reservoir; and that if the
10 \$5,105,625 now available is insufficient to meet such reason-
11 able costs as approved by the Chief of Engineers, such addi-
12 tional sum or sums as may be necessary therefor will be
13 made available from appropriations for construction of Gar-
14 rison Reservoir.

15 ARTICLE XIV

16 No member of or delegate to Congress, or resident com-
17 missioner, shall be admitted to any share or part of this
18 contract or to any benefit that may arise therefrom but this
19 provision shall not be construed to extend to this contract
20 if made with a corporation for its general benefit.

21 ARTICLE XV

22 This contract shall not become effective until it has
23 been ratified by a majority of the adult members of the

1 tribes, by the Council of the tribes, and on behalf of the
 2 United States by the enactment into law by the Congress.

3 In witness whereof, the parties hereto have executed
 4 this contract as of the day and year first above written.

5 Witnesses: The United States of America

6 RACHEL MORRIS By (Signed) R. A. WHEELER

7 JOSEPH W. KIMBEL Lieutenant General

8 Chief of Engineers,

9 U. S. Army

10 The Three Affiliated Tribes of
 11 Fort Berthold Indian Reser-
 12 vation

13 ALLAN G. HARPER By GEORGE GILLETTE

14 J. B. SMITH JAMES HALL, Sr.

15 RALPH H. CASE MARK MAHTO

16 JOHN G. HUNTER GEORGE CHARGING Sr.

17 D'ARCY McNICKLE JOSEPH PACKINEAU

18 LEVI WATERS

19 EARL BATEMAN

20 LEO YOUNG WOLF

21 RUFUS STEVENSON, JBS

22 JAMES BAKER

23 Members of the Tribal

24 Business Council

1 I, Mark Mahto, CERTIFY THAT I am the Secretary
2 of the Tribal Business Council of the Three Affiliated Tribes
3 named as a party to this contract, and that George Gillette,
4 James Hall, Sr., Mark Mahto, George Charging, Joseph
5 Packineau, Levi Waters, Earl Bateman, Leo Young Wolf,
6 Rufus Stevenson, James Baker, who signed this contract
7 on behalf of said tribes constitute the duly elected and
8 qualified Tribal Business Council.

9 In witness whereof, I have hereunto affixed my hand
10 this 20th day of May, 1948.

11 [SEAL] MARK MAHTO, Secretary.

12 We, Mark Mahto, Secretary of the Tribal Council of
13 the Three Affiliated Tribes of the Fort Berthold Reserva-
14 tion, and Ben Reifel, Superintendent of the Fort Berthold
15 Indian Agency, hereby jointly certify that 625 adult mem-
16 bers of the said tribes have signified their approval of the
17 foregoing contract consisting of 44 pages numbered 1 to
18 44 by affixing their signatures to papers bearing the legend
19 "We approve the contract with the United States relating
20 to lands affected by Garrison Reservoir", which papers are
21 on file in the office of the Fort Berthold Indian Agency.
22 We further certify that the signatures on said papers repre-

1 sent a majority of the adult members of the said tribes,
2 the total number of adult members as of this date being 960.

3 MARK MAHTO, Secretary

4 BEN REIFEL, Superintendent

5 I concur: May 20, 1948

6 J. A. KRUG

7 Secretary of the Interior

8 SEC. 2. That there is hereby authorized to be appro-
9 priated, out of any moneys in the Treasury not otherwise
10 appropriated, the sum of \$3,000,000 for the establishment of
11 a ~~land~~ *Land* Readjustment Fund which shall be administered
12 by the ~~Commissioner of Indian Affairs~~ *Secretary of the*
13 *Interior or his duly authorized representative.* The fund
14 shall be operated for the benefit of the Indians of the Three
15 Affiliated Tribes in consolidating their land holdings and in
16 purchasing land for needy members thereof. The fund shall
17 be operated for a ~~period~~ *period* of ten years from the date
18 of the appropriation Act therefor and at the termination
19 of said period of ten years any balance remaining therein
20 shall revert to the Treasury, and all lands acquired by the
21 fund which have not been deeded in trust to members of the
22 Three Affiliated Tribes shall be held by the United States

1 in trust for the Three Affiliated Tribes and shall be non-
2 taxable and nonalienable until otherwise provided by
3 Congress.

4 SEC. 3. That the sum authorized to be appropriated by
5 section 2 of this joint resolution shall be used to bring about
6 the consolidation of Indian allotted and tribal lands into eco-
7 nomic use units. The ~~Commissioner of Indian Affairs~~ *Secre-*
8 *tary of the Interior* or his duly authorized representative is
9 authorized to acquire by purchase or exchange any allotted,
10 inherited, or unrestricted lands, interests in lands and im-
11 provements, located in the Fort Berthold Reservation.
12 Lands so acquired by purchase or exchange for the Indians
13 will be taken in the name of the United States in trust for the
14 tribes or individual Indians and lands so acquired by the
15 tribes may be sold to or exchanged with members of the
16 Three Affiliated Tribes. ~~Preference shall be given to the~~
17 ~~original allottee in the purchase of or exchange for lands~~
18 ~~acquired by the tribes under this section.~~ These lands shall
19 have the same status as other tribal lands and be subject to
20 existing laws relating to sales or exchanges, and shall remain
21 nontaxable and nonalienable until otherwise provided by
22 Congress. Proceeds derived by members of the Three Affil-
23 iated Tribes for lands taken for the Garrison project may be
24 used to purchase lands acquired by the tribe with land re-
25 adjustment funds. The tribal authorities may make assign-

1 ments of land to needy members of the tribes in the manner
2 provided by existing law.

3 SEC. 4. To compensate adequately the Three Affiliated
4 Tribes and the individual members thereof for ~~all~~ *any and*
5 *all claims which they may have for* breaches of their treaty
6 with the United States of September 17, 1851 (11 Stat.
7 749), *by reason of the construction and operation of Garri-*
8 *son Dam and Reservoir project, North Dakota*; for the
9 *disregard or* abrogation of section 5 (e) of article
10 VI of the constitution and bylaws of the said Three
11 Affiliated Tribes of the Fort Berthold Reservation, adopted
12 in accordance with section 16 of the Indian Reorganization
13 Act of June 18, 1934 (48 Stat. 984); for the disruption
14 of the economic, social, religious, and community life of the
15 said tribes; for reducing the said tribes to the condition of
16 displaced persons; for the destruction of the basic industry
17 of the said tribes; for the intangible costs of relocation and
18 the reestablishment of a sound economic base for the future
19 of said tribes and their adjustment to the new fields of
20 endeavor to be created by the construction and operation
21 of Garrison Dam and Reservoir, none of which is covered by
22 or compensated for by the appropriation made by said Act
23 of July 31, 1947, and which is not covered by or compen-
24 sated for in the contract hereinbefore set out, there is hereby
25 authorized to be appropriated, out of any money in the

1 Treasury not otherwise appropriated, the sum of \$6,500,000,
2 and when said sum shall have been appropriated it shall
3 be credited to the Three Affiliated Tribes in the Treasury of
4 the United States and draw interest at the rate of 4 per
5 centum per annum, and shall be available for expenditure
6 by the Tribal Council of the said Three Affiliated Tribes of
7 the Fort Berthold Reservation with the approval of the
8 Commissioner of Indian Affairs *Secretary of the Interior or*
9 *his duly authorized representative.*

10 SEC. 5. That when electric power is available at the
11 Garrison project, there is hereby reserved and set aside a
12 block of power amounting to at least twenty thousand kilo-
13 watts to be delivered at a point or points on the reservation
14 and at a voltage to be determined by the Commissioner of
15 Indian Affairs for use by the Three Affiliated Tribes on the
16 residual Fort Berthold Reservation as it may be extended,
17 and that the tribe or its authorized representative with the
18 approval of the Commissioner of Indian Affairs shall pay
19 for the amount of power used at a rate not to exceed 2 mills
20 per kilowatt-hour.—Until such time as the tribe shall require
21 for uses on the reservation for the benefit of tribal enterprises
22 and other enterprises, individual members and for other uses
23 within the exterior boundaries of the reservation, as it may
24 be extended, the amount of the reserved unit of power not
25 actually being used within the reservation may be used by

1 the United States or its agency as may be required off the
 2 Fort Berthold Reservation. This electric energy may be
 3 used for any and all purposes as may be determined upon
 4 by the Tribal Council with the approval of the Commis-
 5 sioner of Indian Affairs:

6 *SEC. 5. When electric power is available from the Garri-*
 7 *son Dam, there is hereby reserved and set aside a block of*
 8 *power of twenty thousand kilowatts for sale and distribution*
 9 *by the Three Affiliated Tribes for use of such power on*
 10 *the residual Fort Berthold Reservation as it may be extended.*
 11 *This block of power shall be delivered at such point or points*
 12 *on the reservation and at such voltage as may be determined*
 13 *by the Secretary of the Interior. Payment shall be made for*
 14 *the power actually used at the lowest wholesale rate or rates,*
 15 *applicable to the same class of service, made available to other*
 16 *customers receiving electric power from the Garrison Dam*
 17 *power plant. The transmission and distribution system neces-*
 18 *sary for the delivery of such block of power to the customers of*
 19 *the said Three Affiliated Tribes shall be constructed from time*
 20 *to time as needed by the said Tribes, with funds made avail-*
 21 *able therefor by the United States without cost to the said*
 22 *Tribes, and there is hereby authorized to be appropriated from*
 23 *time to time such sums as may be required for the construction*
 24 *of the said distribution system to make available to the cus-*
 25 *tomers of the said Three Affiliated Tribes the block of power*

1 *herein reserved to them. The rates for the sale of the power*
 2 *by the Three Affiliated Tribes shall be subject to approval by*
 3 *the Secretary of the Interior. Until such time as the said*
 4 *Three Affiliated Tribes shall require all of the electrical power*
 5 *reserved to them, any amount in excess of that actually re-*
 6 *quired by the said Three Affiliated Tribes shall be available*
 7 *to the Secretary of the Interior for sale or disposition off the*
 8 *Fort Berthold Reservation as extended.*

9 SEC. 6. That, under the direction of the Secretary of the
 10 Interior, there shall be made complete investigations as to
 11 the feasibility of providing irrigation ~~within the residual~~
 12 ~~areas of the Fort Berthold Reservation and there shall be~~
 13 ~~constructed, maintained, and operated irrigation works on~~
 14 ~~the lands within the residual area upon the findings of~~
 15 ~~feasibility of providing such irrigation facilities. The pro-~~
 16 ~~visions for such investigations and irrigation works shall ex-~~
 17 ~~tend to any Indian individual or tribal trust lands acquired in~~
 18 ~~the future for any Indian individual or tribal trust lands~~
 19 *within the residual Fort Berthold Reservation as it may be*
 20 *extended, including any such lands acquired in the future.*
 21 *Any irrigation works and related facilities which, on the*
 22 *basis of such investigations, the Secretary of the Interior*
 23 *determines to be feasible are hereby authorized to be con-*
 24 *structed, maintained, and operated under his direction.*
 25 *The facilities thus provided for the irrigation of Indian*

1 lands shall be not less favorable to the Indian lands
2 than for non-Indian lands provided with such irrigation
3 facilities, and the cost assessable against the land properly
4 chargeable as an irrigation cost shall be not more than the
5 cost of providing similar facilities to other lands receiving
6 benefits from the Garrison Dam. The repayment of the
7 share of the cost to be borne by the Indian lands shall be
8 subject to the terms and conditions of other laws applicable
9 to Indian lands, including the Act of July 1, 1932 (47 Stat.
10 564-565).

11 SEC. 7. The fund of \$5,105,625, appropriated by Public
12 Law 296, Eightieth Congress, for compensation to the Three
13 Affiliated Tribes shall bear interest at 4 per centum per
14 annum in the Treasury of the United States, from ~~July 31,~~
15 ~~1947~~ *May 20, 1948*, and the interest shall likewise be
16 credited to the Three Affiliated Tribes. The said funds shall
17 be and remain nontaxable.

18 SEC. 8. In no event shall any portion of the fund of
19 \$5,105,625 and any or all funds appropriated under the
20 authority of this joint resolution become liable, payable, or
21 subject to any debt or debts of the Three Affiliated Tribes
22 and the members thereof contracted prior to the passage of
23 this joint resolution, except debts to the United States or
24 the Three Affiliated Tribes: ~~Provided, That all outstanding~~
25 ~~obligations incurred by members of the Three Affiliated~~

1 Tribes in connection with Farm Security Administration,
2 Farm Home Administration, and seed and feed loan pro-
3 grams of the Federal Government shall be and are hereby
4 canceled.

5 SEC. 9. The foregoing conditions and requirements, and
6 the funds made available and those authorized to be appro-
7 priated in this joint resolution, when *accepted by the Tribal*
8 *Business Council of the Three Affiliated Tribes and appro-*
9 *priated*, shall be in complete and final settlement of all the
10 rights, interests, and claims whatsoever of the Three
11 Affiliated Tribes and the members thereof against the United
12 States by reason of the construction of the Garrison Dam
13 and Reservoir project, North Dakota: *Provided, That no*
14 *funds authorized in this Act shall be made available to the*
15 *Three Affiliated Tribes or their members until the Secretary*
16 *of the Interior has received an appropriate resolution*
17 *adopted by the Tribal Council and approved by a majority*
18 *of the adult members of said tribes as accepting payment*
19 *authorized by this Act as full, complete, and final settlement*
20 *of all rights, interest, and claims whatsoever of the Three*
21 *Affiliated Tribes and the members thereof against the United*
22 *States by reason of the construction of Garrison Dam and*
23 *Reservoir project, North Dakota.*

24 SEC. 10. It is hereby recognized that the royalties pro-

1 vided for in article XII of the contract shall apply to all
2 minerals, including oil and gas, as therein dealt with.

3 SEC. 11. There is hereby authorized to be appropriated,
4 out of any money in the Treasury not otherwise appropriated,
5 such sums as are required to carry out the conditions, provi-
6 sions, and requirements of this joint resolution.

7 SEC. 12. *Lands or interests in lands acquired pursuant*
8 *to article VII or article VIII of the contract set forth in sec-*
9 *tion 1 of this joint resolution may be sold to or exchanged*
10 *with the Three Affiliated Tribes or members thereof, or may*
11 *be exchanged with other persons, in the manner now or here-*
12 *after authorized by law for the sale or exchange of lands*
13 *owned by such Tribes or members thereof.*

81ST CONGRESS
1ST SESSION

H. J. RES. 33

[Report No. 544]

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

By Mr. LEMKE

JANUARY 3, 1949

Referred to the Committee on Public Lands

MAY 9, 1949

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed



Mr. BYRNES of Wisconsin. Mr. Speaker, I must insist that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CENTRAL INTELLIGENCE AGENCY

Mr. SASSCER submitted the following conference report and statement on the bill (H. R. 2663) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 725)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2663) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

CARL T. DURHAM,
LANSDALE G. SASSCER,
FRANCK R. HAVENNER,
L. C. ARENDS,
CHAS. H. ELSTON,

Managers on the Part of the House.

M. E. TYDINGS,
RICHARD B. RUSSELL,
HARRY F. BYRD,
STYLES BRIDGES,
CHAN GURNEY,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2663) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: The House bill provided that officers and employees of the Central Intelligence Agency who are in the continental United States on leave should be available for work or duties in the agency or elsewhere. The Senate amendment provided that officers or employees of the Agency who are in the continental United States on leave should be available for work or duties only in the Agency or for training or for reorientation for work. The conference agreement adopts the provisions of the Senate amendment.

Amendments Nos. 2 and 3: The House bill provided that whenever the Director of the Central Intelligence Agency and the Attorney General should determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family could be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations and without regard to their failure to comply with such laws and regulations pertaining to admissibility. The House bill limited the number of aliens admissible under such authority to not more than 100 in any one fiscal year. The effect of Senate amendments Nos. 2 and 3 was to add the Commissioner of Immigration to the officials who would determine

what aliens should be admitted under this authority. The conference agreement adopts the Senate amendments.

CARL T. DURHAM,
LANSDALE G. SASSCER,
FRANCK R. HAVENNER,
L. C. ARENDS,
CHAS. H. ELSTON.

Managers on the Part of the House.

FORT BERTHOLD RESERVATION

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. MORRIS. Mr. Speaker, a contract was entered into by and between the United States of America, represented by the Chief of Engineers of the Army and the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota, providing for the payment of something over \$5,000,000 for the land which was to be taken by reason of the building of a dam. They have insisted that the settlement was not sufficient and they reserve the right to either go into court or to petition the Congress for further redress of their grievances.

Mr. MARTIN of Massachusetts. That was reserved in the contract?

Mr. MORRIS. That was reserved in the contract. It is very short, and I will read you the reservation:

Article I of the contract: The tribes, notwithstanding this contract, reserve to themselves all their rights and privileges to pursue further their claims against the Government by filing suit in the Court of Claims in accordance with Public Law 296, or by petitioning Congress for additional relief legislation, or both.

They came before our committee and petitioned, and made showings of the value of the land and of the resulting damage to them and the tribes. It was decided unanimously by our committee that they were definitely entitled to that much and a great deal more, as a matter of fact.

Mr. MARTIN of Massachusetts. How much is the total amount?

Mr. MORRIS. The total amount is \$14,605,625. We think they made a good showing on a total damage of \$21,981,000.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. CASE of South Dakota. Mr. Speaker, this bill deals with compensation to the Indians of North Dakota for the land taken for the Garrison Reservoir. The gentleman from North Dakota [Mr. LEMKE] is present, and he could state this much better than I, but it is my understanding that this is a settlement which has been agreed upon as the result of extended hearings both in Washington and in the field.

The United States Government has already invested upward of \$60,000,000 in the Garrison Dam and is committed to the expenditure of a great deal more, as that is the key dam in the flood-control program for the entire Missouri River Basin. The Government is in the position of already having taken this land and having erected a structure which will flood this land out. So that under the general principle of the exercise of eminent domain, it is honor bound to reimburse the people from whom it took the land.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That, subject to the additional terms and conditions hereinafter set forth in sections 2 to 11, inclusive, which are made a part of this ratification, the following contract by and between the United States of America and the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., entered into on May 20, 1948, pursuant to the provisions of the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Cong.), is hereby ratified by the Congress, to wit:

CONTRACT BY AND BETWEEN THE UNITED STATES AND THE INDIANS OF THE FORT BERTHOLD RESERVATION AS PROVIDED FOR BY PUBLIC LAW 296, EIGHTIETH CONGRESS, FIRST SESSION

This contract, made and entered into this 20th day of May 1948 by and between the United States of America, hereinafter called the "Government," represented by the Chief of Engineers, United States Army, and the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., hereinafter called the "tribes," with the approval of a majority of the adult members of said tribes, witnesseth that:

Whereas, an item in the War Department's Civil Appropriations Act, 1948 (Public Law 296, 80th Cong., approved July 31, 1947), appropriating funds for "Flood control, general," provides:

Garrison (N. Dak.) Reservoir: For acquisition of the lands and rights therein within the taking line of Garrison Reservoir which lands lie within the area now established as the Fort Berthold Indian Reservation, N. Dak., including all elements of value above or below the surface thereof and including all improvements, severance damages, and reestablishment and relocation costs the sum of \$5,105,625, which said sum is included in the total allocated under this act for the said Garrison Reservoir and which shall be deposited in the Treasury of the United States to the credit of the Three Affiliated Tribes of Fort Berthold Reservation, to be subject to withdrawal and disbursement as herein provided. This amount is made available subject to the following conditions subsequent and in the event the said conditions are not complied with then this amount shall lapse and be thereby null and void. Said conditions subsequent are:

That a contract between the United States and the said Three Affiliated Tribes shall be negotiated and approved by a majority of the adult members of said tribes and enacted into law by the Congress, providing for the conveyance of said lands and interests and the use and distribution of said fund and that disbursements from said fund shall be made forthwith in accordance with said approved contract and act of Congress.

That said contract shall be submitted to the Congress on or before the first day of

June 1948: *Provided, however,* That notwithstanding said contract or the provisions of this act, the said Three Affiliated Tribes may bring suit in the Court of Claims as provided in section 24 of the act of August 13, 1946, on account of additional damages, if any, alleged to have been sustained by said tribes by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation on account of any treaty obligation of the Government or any intangible cost of reestablishment or relocation, for which the said tribes are not compensated by the said \$5,105,625.

Now, Therefore, the parties hereto do mutually agree as follows:

ARTICLE I

The tribes, notwithstanding this contract, reserve to themselves all their rights and privileges to pursue further their claims against the Government by filing suit in the Court of Claims in accordance with Public Law 296 or by petitioning Congress for additional relief legislation, or both.

ARTICLE II

The lands to be taken or acquired by the United States under this contract, to be hereinafter referred to as the "Taking Area," are described as follows:

Part A—Within reservation boundaries

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence North to South sixteenth line; thence East to East Section line; thence South to Southeast corner of said Section 6; thence West to West line of the East half of the East half of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to East and West quarter line; thence East to the East line of the West half of the Northwest quarter of the Southwest quarter of Section 8; thence South to South sixteenth line; thence East to the North and South quarter line; thence North to center of said Section; thence East to East Section line; thence South to South sixteenth line; thence West to the East sixteenth line; thence South to North sixteenth line of Section 17; thence East to the West sixteenth line of Section 16; thence North to North Section line; thence East to North quarter corner; thence South to center of said Section; thence East to East sixteenth line of Section 15; thence South to South sixteenth line; thence West to North and South quarter line; thence South to North line of the South half of the Southeast quarter of the Southwest quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line; thence South to the South Section line; thence West to the Southwest corner of Section 15; thence South to North sixteenth line of Section 22; thence East to North and South quarter line; thence North to the North line of the South half of the Northwest quarter of the Northeast quarter ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence East to East sixteenth line; thence North to the North line of Section 22; thence East to West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to the South sixteenth line; thence East to West sixteenth line of Section 14; thence South to the South Section line; thence West to the Southwest corner of said Section 14; thence South to the North sixteenth line of Section 23; thence East to the West sixteenth line; thence South to the South sixteenth line; thence East to the East sixteenth line; thence North to the North sixteenth line; thence East to the East Section line; thence North to the

Northeast corner of Section 23; thence East to the East line of the West half of the East half of the Northwest quarter of Section 24; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southwest quarter; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to the East quarter corner of Section 24, Township 150 North, Range 93 West of the 5th P. M.; thence East to West sixteenth line of Section 19, Township 150 North, Range 92 West of the 5th P. M.; thence South to North sixteenth line of Section 30; thence East to East line of Section 30; thence south to the north line of the south half of the southwest quarter of the northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of section 29; thence east to the west sixteenth line; thence north to the south line of the north half of the northwest quarter of the northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence west to the west section line; thence north to south sixteenth line of section 20; thence east to the west sixteenth line; thence south to south section line; thence east to the east sixteenth line; thence north to the east and west quarter line; thence east to the east quarter corner of section 20; thence south to the west quarter corner of section 28; thence east to center of said section; thence south to south sixteenth line; thence east to the east section line; thence south to the southeast corner of section 28; thence east to the east sixteenth line of section 34; thence south to the north sixteenth line; thence east to west sixteenth line of section 35; thence north to the north section line; thence east to the north quarter corner of section 35; thence north to the center of section 26; thence east to the east sixteenth line; thence north to south sixteenth line of section 23; thence west to the north and south quarter line; thence north to the north sixteenth line; thence west to the west line of the east half of the northwest quarter of the northwest quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence north to south sixteenth line of section 14; thence east to the north and south quarter line; thence south to south section line; thence east to west sixteenth line of section 13; thence north to south sixteenth line; thence east to north and south quarter line; thence south to south quarter corner; thence east to the east sixteenth line; thence north to south sixteenth line; thence east to east line of section 13, township 150 north, range 92 west of the 5th p. m.; thence north to the west quarter corner of section 18, township 150 north, range 91 west; thence east to the west sixteenth line; thence north to north sixteenth line; thence east to east sixteenth line; thence north to the north section line; thence west to the north quarter corner of section 18; thence north to south sixteenth line of section 7; thence east to the east section line; thence north to the northeast corner of section 7; thence west to south quarter corner of section 6; thence north to center of section 6; thence west to west sixteenth line; thence north to north line of section 6; thence east along township line between townships 150 and 151 north to the northwest corner of section 1; thence south to west quarter corner; thence east to west sixteenth line; thence south to south sixteenth line; thence east to north and south quarter line; thence south to south section line; thence east to southeast corner of section 1, township 150 north, range 91 west of 5th p. m.; thence south to the north line of the south half of lot 2 of section 7, township 150 north, range 90 west of the 5th p. m.; thence east to the west line of the east 20 acres of lot 2; thence south to the east and west quarter line; thence west to the west quarter corner; thence south to the southwest corner of section 7; thence east to the west line of the east 20 acres of

lot 1 of section 18; thence south to south line of said section 18; thence east to the west sixteenth line of section 19; thence south to the north sixteenth line; thence west to west section line; thence south to southwest corner; thence east to the south quarter corner; thence north to center of section; thence east to east quarter corner; thence south to north sixteenth line of section 29; thence east to north and south quarter line; thence south to center of section; thence west to west quarter corner of section 29; thence south to south sixteenth line of section 30; thence west to west sixteenth line; thence south to the south line of section 31, township 150 north, range 90 west of the 5th p. m.; thence south along the west sixteenth line of section 6, township 149 north, range 90 west of the 5th p. m. to the south line of said section 6; thence east to north quarter corner of section 7; thence south to south sixteenth line; thence east to the west sixteenth line of section 8; thence north to east and west quarter line; thence west to west line of the east half of the southwest quarter of the northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence north to the north line of the southeast quarter of the northwest quarter of the northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence east to the east line of the southwest quarter of the northeast quarter of the northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence south to north sixteenth line; thence east to the west line of the east half of the northwest quarter of the northeast quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence north to the north section line; thence east to the northeast corner of section 8; thence north to south sixteenth line of section 4; thence east to west sixteenth line; thence north to east and west quarter line; thence east to center of section; thence south to south sixteenth line; thence east to east sixteenth line; thence south to north sixteenth line of section 9; thence east to east line of section 9; thence south to south sixteenth line of section 10; thence east to west sixteenth line; thence north to north section line; thence east to east sixteenth line; thence south to east and west quarter line; thence east to east quarter corner of section 10; thence south to south sixteenth line of section 11; thence east to west sixteenth line of section 11; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of Section 11; thence South to South sixteenth line of Section 12; thence East to East Section line; thence South to North sixteenth line of Section 13; thence West to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter line; thence West to the East sixteenth line; thence South to South line of Section 13; thence East to the East line of the West half of the Northeast quarter of the Northeast quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to the North sixteenth line; thence West to the West sixteenth line; thence North to the North Section line; thence West to the Northwest corner of Section 24; thence South to the North sixteenth line of Section 23; thence West to North and South quarter line; thence North to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South quarter line of Section 22; thence South to center of Section; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to East sixteenth line of Section 21; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of Section

South quarter line; thence South to the North line of the South half of the South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 14; thence North to the South sixteenth line of section 13; thence East to the West line of the East half of the Northwest quarter of the Southwest quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence East to an intersection with the East boundary of the Fort Berthold Indian Reservation, as surveyed, at a point 2,321 feet East of the East quarter corner of Section 13, Township 147 North, Range 87 West of the 5th P. M.; thence South 25° West along said Reservation Boundary Line, as surveyed, to the low water line of the right bank of the Missouri River; thence upstream along said low water line of the right bank of the Missouri River to a point 1,663 feet North and 1,305 feet West of the East quarter corner of Section 1, Township 146 North, Range 88 West of the 5th P. M., said point being on the East boundary of the Fort Berthold Indian Reservation, as surveyed; thence South $53^{\circ} 09'$ West along said Reservation Boundary, as surveyed, to the East line of Section 16; thence North to the South sixteenth line of Section 10; thence East to West sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 10; thence North to North sixteenth line of Section 9; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner; thence North to Northeast corner of Section 8; thence West to East sixteenth line of Section 8; thence South to South line of Section; thence East to Southeast corner of Section 8; thence South to North sixteenth line of Section 16; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South on North and South quarter line to the Fort Berthold Indian Reservation Boundary Line; thence South $53^{\circ} 09'$ West along said Boundary line to the Southeast corner of Section 17; thence West to the East sixteenth line of Section 18; thence North to the North line of Section 18; thence West to the West sixteenth line of Section 7; thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence West to the West line of Section 7, Township 146 North, Range 88 West of the 5th P. M.; thence West on North sixteenth line of Section 12, Township 146 North, Range 89 West of the 5th P. M. to the North and South quarter line; thence South to South sixteenth line; thence East to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence West to center of Section 11; thence South to North line of the South half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line; thence North to West quarter corner of Section 11; thence West to East sixteenth line of Section 10; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 10; thence East to South quarter corner of Section 2; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East section line; thence North to Northeast corner of Section 2; thence East to West sixteenth line of Section 1; thence South to North sixteenth line; thence East to North and South quarter line; thence South to the South line of the North half of the South half of the Northeast

quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence East to East line of Section 1, Township 146 North, Range 89 West of the 5th P. M.; thence North to the South sixteenth line of Section 36, Township 147 North, Range 89 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 36; thence North to North sixteenth line of Section 35; thence West to West sixteenth line; thence North to North Section line; thence West to Southeast corner of Section 28; thence North to East quarter corner; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line; thence West to East line of the West half of the Northeast quarter of the Southwest quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West quarter corner of Section 28; thence North to North sixteenth line of Section 29; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of Section 29; thence East to South quarter corner of Section 20; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence North to East and West quarter line; thence West to center of Section; thence South to South sixteenth line; thence West to the East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to the Southwest corner of Section 19, Township 147 North, Range 89 West of the 5th P. M.; thence West to North quarter corner of Section 23, Township 147 North, Range 90 West of the 5th P. M.; thence South to North sixteenth line; thence East to East Section line; thence South to East quarter corner; thence West to the East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence West to South quarter corner of Section 26; thence North to South sixteenth line; thence West to the West Section line; thence South to Southwest corner of Section 26; thence West to South quarter corner of Section 27; thence North to center of Section; thence East to East quarter corner of Section 27; thence North to North sixteenth line of Section 26; thence East to North and South quarter line; thence North to center of Section 23; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of Section 23; thence East to Southeast corner of Section 14; thence North to East quarter corner; thence West to East sixteenth line; thence North to North sixteenth line; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner of Section 14; thence North to North sixteenth line of Section 15; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West line of Section 15; thence South to South sixteenth line of Section 16; thence West to East sixteenth line; thence South to South Section line; thence West to South quarter corner; thence North to North quarter corner; thence West to West sixteenth line; thence South to East and West quarter line; thence West to West quarter corner of Section 16; thence South to North sixteenth line of Section 20; thence West to East sixteenth line; thence North to North Section line; thence West to North quarter corner; thence South to North sixteenth line; thence West to West sixteenth line; thence North

to East and West quarter line of Section 17; thence West to West quarter corner of said Section 17; thence North to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 18; thence West to North and South quarter line; thence North to North quarter corner; thence East to Northeast corner of Section 18; thence North to South sixteenth line of Section 7; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East 20 acres of Lot 5; thence South to South section line; thence West to Southwest corner of Section 7, Township 147 North, Range 90 West of the 5th P. M.; thence West along South line of Section 12, Township 147 North, Range 91 West of the 5th P. M. to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to the East line of the West half of the Northwest quarter of the Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and West quarter line; thence East to East sixteenth line; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 11; thence West to the West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence North to South sixteenth line; thence West to East sixteenth line; thence North to East and West quarter line; thence West to East sixteenth line of Section 3; thence North to North sixteenth line; thence West to North and South quarter line; thence North to North quarter corner; thence South to West quarter corner; thence East to West sixteenth line; thence South to South sixteenth line of said Section; thence West to North and South quarter line of Section 4; thence North to North sixteenth line; thence West to West Section line; thence South to West quarter corner of Section 4; thence West to center of Section 5; thence South to South sixteenth line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West line of Section 5; thence South to East quarter corner of Section 6; thence West to East sixteenth line; thence North to North line of said Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence North on East sixteenth line of Section 31, Township 148 North, Range 91 West of the 5th P. M. to East and West quarter line; thence West to West quarter corner; thence South to South sixteenth line; thence East to West sixteenth line; thence South to South line of Section 31, Township 148 North, Range 91 West of the 5th P. M.; thence East to North quarter corner of Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West section line; thence South to West quarter corner; thence East to the West line of the East 20 acres of Lot 6; thence South to South line of Section 6; thence East to West sixteenth line of Section 7; thence South to East and West quarter line; thence East to center of Section; thence South to South quarter corner; thence West to Southwest corner of Section 7, Township 147 North, Range 91 West of the 5th P. M.; thence West on North line of Section 13, Township 147 North, Range 92 West of the 5th P. M. to the East sixteenth line; thence South to East and West quarter line; thence West to West quarter corner; thence North to Northwest corner of Section 13; thence East to West sixteenth line of Section 12; thence North to North Section line; thence West to Southeast corner of Section 2; thence North to East quarter corner; thence West

to the West line of the East half of the Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteen line; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West sixteen line; thence South to South sixteen line; thence West to East sixteen line of Section 4; thence North to North sixteen line; thence West to East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to South sixteen line; thence West to West sixteen line; thence South to South section line; thence East to South quarter corner of Section 4; thence South to North sixteen line of Section 9; thence West to West sixteen line; thence South to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to North and South quarter line; thence South to South quarter corner of Section 9; thence West to West sixteen line of Section 16; thence South to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter of Section 17; thence North to North line of said Section 17; thence West to East sixteen line of Section 8; thence North to South sixteen line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence West to center of Section; thence South to South sixteen line of Section 17; thence East to East sixteen line; thence South to North line of the South half of the Southeast quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence South to Southeast corner; thence West to South quarter corner of Section 17; thence South to North sixteen line of Section 20; thence East to East sixteen line; thence South to East and West quarter line; thence West to center of Section; thence South to South quarter corner of Section 20; thence East to East line of the West half of the Northwest quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to South line of the Northwest quarter of the Southwest quarter of the Northeast quarter ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter line; thence South to South sixteen line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to the Southeast corner of Section 29; thence South to West quarter corner of Section 33; thence East to West sixteen line; thence South to South sixteen line; thence East to North and South quarter line; thence North to center of Section; thence East to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section 33, Township 147 North, Range 92 West of the 5th P. M.; thence East to Northwest corner of Section 3, Township 146 North, Range 92 West of the 5th P. M.; thence South to North line of the South half of the South half of the North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$); thence East to East Section line; thence South to East quarter corner of said Section 3; thence East to West sixteen line of Section 2; thence South to South sixteen line; thence East to West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to West Section line; thence North to South line of the North half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of Section 3; thence West to West line of said Section 3; thence North to South sixteen

line of Section 4; thence West to North and South quarter line; thence North to center of Section; thence West to West sixteen line; thence South to South sixteen line; thence West to West Section line; thence South to Southwest corner of Section 4; thence West to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence North to South sixteen line; thence East to West line of the East half of the Northeast quarter of the Southeast quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to North sixteen line; thence West to East sixteen line; thence North to North Section line; thence West to Northwest corner of Section 5, Township 146 North, Range 92 West of the 5th P. M.; thence North to the South line of the North half of the South half of the Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township 147 North, Range 92 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to Southwest corner of Section; thence North on the West line of said Section 31, Township 147 North, Range 92 West of the 5th P. M. to an intersection with the low water line of the Little Missouri River at the left or North bank of said stream; thence upstream in a Northwesterly direction with said low water line of the left bank, a distance of approximately 23 miles to an intersection with the North and South quarter line of Section 34, Township 148 North, Range 95 West of the 5th P. M.; thence North along said quarter line to the North quarter corner of said Section; thence East to Northeast corner of Section 34; thence South to North sixteen line of Section 35; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence South to Southeast corner of Section 35, Township 148 North, Range 95 West of the 5th P. M.; thence East to North quarter corner of Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence South to center of Section; thence East to East quarter corner of Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence East to West sixteen line of Section 5, Township 147 North, Range 94 West of the 5th P. M.; thence South to South sixteen line; thence East to East sixteen line; thence South to South Section line; thence East to Southeast corner of Section 5; thence South to North sixteen line of Section 17; thence West to East sixteen line; thence South to South Section line; thence East to Southeast corner of said Section 17; thence South to West quarter corner of Section 21; thence East to center of Section; thence North to North sixteen line; thence East to East sixteen line; thence North to North Section line of Section 21; thence East to South quarter corner of Section 14; thence North to South line of the North half of the Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteen line; thence North to North line of the South half of the Southeast quarter of the Northwest quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and South quarter line; thence South to center of Section; thence East to East sixteen line of Section 13; thence South to South sixteen line; thence East to East section line; thence South to Southeast corner of said Section 13, Township 147 North, Range 94 West of the 5th P. M.; thence East to South quarter corner of Section 18, Township 147 North, Range 93 West of the 5th P. M.; thence North to South sixteen line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of said Section 18;

thence South to South sixteen line of Section 20; thence East to East Section line; thence South to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28; thence East to North and South quarter line; thence South to North sixteen line; thence East to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to West sixteen line of Section 27; thence North to North Section line; thence East to North quarter corner; thence South to center of Section; thence East to East sixteen line; thence South to South sixteen line; thence East to North and South quarter line of Section 26; thence North to center of Section; thence East to East sixteen line; thence North to North sixteen line; thence East to East line of said Section 26; thence South to South sixteen line of Section 25; thence East to East line of said Section 25, Township 147 North, Range 93 West of the 5th P. M.; thence East along the South sixteen line of Section 30, Township 147 North, Range 92 West of the 5th P. M. to the North and South quarter line; thence North to center of Section 19; thence East to East sixteen line; thence North to North Section line; thence West to Northwest corner of said Section 19, Township 147 North, Range 92 West of the 5th P. M.; thence West to South quarter corner of Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to center of Section; thence East to East quarter corner of said Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to North sixteen line of Section 7, Township 147 North, Range 92 West of 5th P. M.; thence East to West sixteen line; thence North to South sixteen line of Section 6; thence East to East sixteen line; thence North to East and West quarter line; thence West to West line of said Section 6, Township 147 North, Range 92 West of the 5th P. M.; thence South to South sixteen line of Section 1, Township 147 North, Range 93 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to West sixteen line; thence North to South sixteen line; thence West to West line of said Section 1; thence North to South line of the North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence West to East sixteen line; thence North to North line of the South half of the Southeast quarter of the Northeast quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence North to Northeast corner of said Section 2, Township 147 North, Range 93 West of the 5th P. M.; thence West to South quarter corner of Section 35, Township 148 North, Range 93 West of the 5th P. M.; thence North to South sixteen line; thence West to West Section line; thence North to West quarter corner of said Section 35; thence West to center of Section 34; thence North to North quarter corner; thence East to North quarter corner of Section 35; thence South to center of Section; thence East to West sixteen line of Section 36; thence South to South Section line; thence East to Southeast corner of said Section 36, Township 148 North, Range 93 West of the 5th P. M.; thence North to the North line of the South half of the South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to South quarter corner; thence East to South quarter corner of Section 32; thence North to South sixteen line; thence West to East sixteen line of Section 31; thence North to East and West quarter line; thence East to East quarter corner of said Section 31; thence North to North line of the South half of the North

half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Section line; thence North to South line of the North half of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence West to East sixteenth line of Section 31; thence North to North Section line; thence West to Northwest corner of said Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line of Section 25, Township 14 North, Range 93 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to center of Section; thence North to North quarter corner of said Section 25; thence West to West sixteenth line of Section 24, thence North to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 24, Township 148 North, Range 93 West of the 5th P. M.; thence South to the North line of the South half of Lot 2, Section 30, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence North to Northeast corner of said Section 30; thence East to East line of the West half of the East half of the Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence South to East and West quarter line; thence East to East sixteenth line of Section 28; thence South to South sixteenth line; thence East to West sixteenth line of Section 27; thence North to East and West quarter line; thence West to West quarter corner; thence North to Northwest corner of said Section 2; thence West to East sixteenth line of Section 21; thence North to East and West quarter line; thence East to West sixteenth line of Section 22; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner of said Section 22; thence South to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 27; thence East to East line of said Section 27; thence South to North sixteenth line of Section 26; thence East to West line of the East half of the Southeast quarter of the Northwest quarter; thence South to South sixteenth line; thence West to the West sixteenth line; thence South to South Section line; thence East to East sixteenth line; thence North to South sixteenth line; thence East to East Section line; thence North to Northeast corner of said Section 26; thence East to Northeast corner of Section 25; thence North to South sixteenth line of Section 24; thence West to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 24, Township 148 North, Range 92 West of the 5th P. M.; thence South to North sixteenth line of Section 19, Township 148 North, Range 91 West of the 5th P. M.; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence East to the East Section line; thence South to the Southeast corner of said Section 19; thence East to South quarter corner of Section 20; thence North to North sixteenth line; thence West to West sixteenth line; thence North to South sixteenth line of Section 17; thence West to West Section line; thence North to North sixteenth line; thence East to West sixteenth line; thence North to North line of said Section 17; thence West to the West line of the East half of the West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Section 8; thence North to East and West quarter line; thence East to center of Section; thence North to South line of the North half of the South-

east quarter of the Northwest quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 8; thence West to South quarter corner of Section 6; thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of said Section 6; thence South to South sixteenth line of Section 5; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of said Section 5, Township 148 North, Range 91 West of the 5th P. M.; thence East to East sixteenth line of Section 34, Township 149 North, Range 91 West of the 5th P. M.; thence North to South sixteenth line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner of section 34; thence South to South sixteenth line of Section 35; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North Section line; thence East to North quarter corner of said Section 35; thence North to center of Section 26; thence East to East sixteenth line; thence North to North Section line; thence West to North quarter corner of said Section 26; thence North to South sixteenth line of Section 23; thence West to West line of the East half of the Northeast quarter of the Southwest quarter ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 23; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to West line of the East half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North Section line; thence West to North quarter corner of said Section 15; thence North to center of Section 10; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 9; thence North to South sixteenth line of Section 4; thence West to West sixteenth line; thence North to North Section line; thence West to Northwest corner of said Section 4, Township 149 North, Range 91 West of the 5th P. M.; thence North to East quarter corner of Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to West quarter corner; thence South to Southwest corner of said Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line; thence West to West Section line; thence South to North line of the South half of Lot 6 of said section; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to Southwest corner of said Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 1, Township 149 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to the East line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}-SE\frac{1}{4}SW\frac{1}{4}$); thence South to South line

of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}-SE\frac{1}{4}SW\frac{1}{4}$); thence West to West Section line; thence South to Southwest corner of said Section 1; thence West to West sixteenth line of Section 11; thence South to North line of the South half of the Northeast quarter of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northwest quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line; thence East to East sixteenth line; thence South to North line of the Southwest quarter of the Southeast quarter of the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to East quarter corner; thence South to Southeast corner of said Section; thence West to East sixteenth line; thence North to South sixteenth line; thence West to North and South quarter line of Section 11; thence South to North sixteenth line of Section 14; thence West to East line of the West half of the Southwest quarter of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West quarter corner; thence South to Southwest corner of said Section 14; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence North to the North line of the Southeast quarter of the Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}-NE\frac{1}{4}$); thence East to East Section line; thence North to Northeast corner of said Section 16; thence East to the South quarter corner of Section 10; thence North to South sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 10; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 3; thence North to South sixteenth line; thence West to West Section line; thence North to West quarter corner of said Section 3; thence West to center of Section 4; thence South to South quarter corner; thence West to West sixteenth line; thence North to South line of the North half of the Northwest quarter of the Southwest quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence West to West line of said Section 4; thence North to South line of the North half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$) of Section 5; thence West to North and South quarter line; thence North to North quarter corner; thence West to Northwest corner of said Section 5; thence South to North sixteenth line of Section 6; thence West to West sixteenth line; thence North to North line of said Section 6, Township 149 North, Range 92 West of the 5th P. M.; thence East to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence West to East sixteenth line of Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence North to East and West quarter line; thence West to center of Section; thence South to South quarter corner of said Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence West to the East line of the West half of the East half of the Northwest quarter of Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence South to East and West quarter line; thence West to West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to North six-

teenth line; thence East to West sixteenth line; thence North to North line of said Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence West to Southeast corner of Section 35, Township 150 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence West to East sixteenth line; thence South to South Section line; thence West to West sixteenth line; thence North to South sixteenth line; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line of Section 35; thence West to West line of the East half of the East half of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34; thence North to North Section line; thence North to North quarter corner; thence South to North sixteenth line; thence West to East sixteenth line of Section 33; thence North to East quarter corner of Section 28; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 29; thence South to East and West quarter line; thence West to East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Section 29; thence West to West sixteenth line of Section 32; thence South to North sixteenth line; thence West to West Section line; thence South to West quarter corner of said Section 32; thence West to East sixteenth line of Section 31; thence North to North Section line; thence East to Northeast corner of said Section 31; thence North to West quarter corner of Section 29; thence East to West sixteenth line; thence North to East and West quarter line of Section 20; thence West to West quarter corner of said Section 20; thence North to North sixteenth line of Section 19; thence West to West line of said Section 19, Township 150 North, Range 93 West of the 5th P. M.; thence South to East quarter corner of Section 24, Township 150 North, Range 94 West of the 5th P. M.; thence West to West line of the East half of the Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 24; thence West to Southeast corner of Section 14; thence North to South sixteenth line; thence West to West line of said Section 14; thence South to Southeast corner of Section 15; thence West to Southwest corner of said Section 15; thence North to South sixteenth line of Section 16; thence West to North and South quarter line; thence North to North sixteenth line; thence East to North and South quarter line of Section 15; thence South to center of Section; thence East to East quarter corner of said Section 15; thence North to Northwest corner of Section 14; thence East to North quarter corner

of Section 13; thence South to North sixteenth line; thence East to East Section line; thence North to Northeast corner of said Section 13; thence West to East sixteenth line of Section 12; thence North to South sixteenth line; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East half of the Southeast quarter of the North-west quarter ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to West line of Section 12; thence North to North sixteenth line of Section 2; thence West to East sixteenth line; thence North to North line of said Section 2, Township 150 North, Range 94 West of the 5th P. M.; thence North on East sixteenth line of Section 35, Township 151 North, Range 94 West of the 5th P. M. to the East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to South sixteenth line of Section 26; thence West to North and South quarter line; thence North to center of Section; thence East to East quarter corner of said Section 26; thence North to Southwest corner of Section 24; thence East to West sixteenth line; thence North to South sixteenth line of Section 13; thence West to West Section line; thence South to Southwest corner of said Section 13; thence West to East sixteenth line of Section 14; thence North to East and West quarter line; thence West to West line of the East half of the West half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North line of said Section 14; thence East to East sixteenth line of Section 11; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 11; thence West to East sixteenth line of Section 10; thence North to East and West quarter line; thence East to East quarter corner; thence North to Northeast corner of said Section 10; thence West to South quarter corner of Section 3; thence North to North line of the South half of the Northwest quarter of the Southeast quarter ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northeast quarter of the Southeast quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line of Section 3; thence East to West sixteenth line of Section 2; thence South to South Section line; thence East to South quarter corner of said Section 2; thence South on North and South quarter line of Section 11 to North sixteenth line; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 11; thence South to North sixteenth line of Section 12; thence East to North and South quarter line; thence North to North sixteenth line of Section 1; thence West to West sixteenth line; thence North to North line of Section 1, Township 151 North, Range 94 West of the 5th P. M.; thence North on the West sixteenth line of

Section 36, Township 152 North, Range 94 West of the 5th P. M. to the South sixteenth line; thence East to North and South quarter line; thence North to North quarter corner; thence East to Northeast corner of said Section 36, Township 152 North, Range 94 West of the 5th P. M.; thence East to the South quarter corner of Section 30, Township 152 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence East to the East Section line; thence North to Northeast corner of said Section 30; thence East to South quarter corner of Section 20; thence North to South sixteenth line; thence East to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to West quarter corner of Section 16; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 16; thence North to Southeast corner of Section 9; thence West to South quarter corner; thence North 2,441.3 feet along the North and South quarter line to the North boundary of the Ft. Berthold Indian Reservation line as surveyed; thence East with said Reservation line approximately two (2) miles to the low water line of the Missouri River at the left bank of said stream; thence downstream with said low water line approximately seven (7) miles to the East and West quarter line of Section 7, Township 151 North, Range 93 West of the 5th P. M.; thence East to center of Section; thence South to South quarter corner of said Section 7; thence West to the West sixteenth line of Section 18; thence South to South Section line; thence East to South quarter corner of said Section 18; thence South to North sixteenth line of Section 30; thence West to West sixteenth line; thence South to South sixteenth line; thence West to the West Section line; thence South to the Southwest corner of Section 31, Township 151 North, Range 93 West of the 5th P. M., being the same point as the point of beginning; also Lot 2, Southeast quarter of the Northeast quarter of the Southeast quarter ($SE\frac{1}{4}-NE\frac{1}{4}SE\frac{1}{4}$), Southeast quarter of the Southwest quarter of the Southeast quarter ($SE\frac{1}{4}-SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section Line and on the West by a line 660 feet East and parallel to the North and South quarter line of said Section 13, Township 147 North, Range 87 West of the 5th P. M., containing in the aggregate, less water surface 175,716.44 acres, more or less, excepting therefrom the following described lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N.	92 W.	5	Lot 1.	40.10
147 N.	91 W.	2	Lots 3, 4, $S\frac{1}{2}NW\frac{1}{4}$	158.20
147 N.	92 W.	4	Lots 3, 4 & 5.	71.60
		5	Lots 1, 2, 3.	75.62
		32	Lot 7, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$	149.36
147 N.	94 W.	14	$W\frac{1}{2}SE\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11.	102.45
		23	Lots 5, 6, 7, 8, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$	209.81
148 N.	91 W.	17	$NW\frac{1}{4}NE\frac{1}{4}$	40.00
		33	$W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$	45.00
148 N.	92 W.	32	Lots 4 & 5.	66.03
149 N.	91 W.	11	$NW\frac{1}{4}NW\frac{1}{4}$	40.00
		14	$S\frac{1}{2}NW\frac{1}{4}$	80.00
		15	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		23	$NW\frac{1}{4}NE\frac{1}{4}$	40.00
150 N.	91 W.	34	$SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$	10.00

M'KENZIE COUNTY

Township	Range	Section	Description	Acres
132 N	93 W	15	SW $\frac{1}{4}$	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions	62.91
		29	N $\frac{1}{2}$, SW $\frac{1}{4}$	483.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	308.88
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions	324.54
		33	Lot 2, plus accretions	18.91
152 N	94 W	36	NE $\frac{1}{4}$	160.00

M'LEAN COUNTY

147 N	87 W	13	That portion of Lot 5, Section 13 bounded on the North by the North Section line, on the East by the Fort Berthold Indian Reservation line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.53
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.28
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions	111.42
		23	Lots 3 & 4 less erosions	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N	88 W	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ SE $\frac{1}{4}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 and 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
147 N	89 W	36	Lots 1, 2 & 3	53.00
		6	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		1	Lot 4	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N	90 W	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N	89 W	30	Lot 4	35.14
148 N	90 W	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
148 N	90 W	25	S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		26	W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$	120.00
		27	SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	240.00
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
		29	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	360.00
		30	Lots 3 & 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	311.47
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	311.81
		32	SW $\frac{1}{4}$	160.00
		33	SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	280.00
		34	SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		35	N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
148 N	91 W	36	W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
		1	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	268.44
		2	Lots 1 & 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	377.35
		12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N	91 W	23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		24	SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		25	NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$	480.00
		26	Lots 4 & 5 plus accretions	74.88
149 N	90 W	36	NE $\frac{1}{4}$	160.00
		8	SE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
		10	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		12	S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
		13	N $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
		14	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	280.00
		15	NE $\frac{1}{4}$	160.00
		16	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	160.00
		17	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	122.59
		18	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	278.87
		19	NE $\frac{1}{4}$	160.00
		20	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		21	S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		22	N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	100.00
		23	N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	100.00
		27	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		28	NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		29	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		31	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		32	S $\frac{1}{2}$	320.00
		33	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
149 N	91 W	13	Lot 1	45.73
150 N	91 W	1	W $\frac{1}{2}$ SW $\frac{1}{4}$	239.36
		2	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$	239.36
		4	Lots 1 & 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$	153.44
		6	Lots 1 & 2, S $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$	319.21
		9	SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, 1 acre in the extreme SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$	201.00
		10	NE $\frac{1}{4}$, Lots 1, 2, 3 and SW $\frac{1}{4}$ SW $\frac{1}{4}$	259.60
		11	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		12	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	560.00
		13	NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$	397.30
		16	S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, also the following described tract: Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
		17	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	42.50
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		24	Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	248.05

Township	Range	Section	Description	Acres
146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	288.29
		8	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	243.00
		9	NW $\frac{1}{4}$	100.00
146 N	89 W	2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	49.00
		11	N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	360.00
147 N	89 W	18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		27	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
147 N	90 W	25	E $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

150 N	92 W	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		26	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	160.00
		28	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		29	E $\frac{1}{2}$	320.00
		33	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		34	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	120.00
		35	N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		36	S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
150 N	93 W	14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		15	N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	120.00
		16	Lot 1 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ plus accretions	79.97
		17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		22	N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$	40.00
		23	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ plus accretions	178.26
		26	N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00

152 N	03 W	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148.88
152 N	04 W	36	NE $\frac{1}{4}$	160.00

M'LEAN COUNTY

Township	Range	Section	Description	Acres
147 N.....	87 W.....	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW 1/4	160.00
		30	N 1/2 SE 1/4	80.00
147 N.....	88 W.....	19	SW 1/4 NE 1/4	40.00
		21	SW 1/4 NW 1/4	40.00
148 N.....	90 W.....	21	S 1/2 SE 1/4	80.00
149 N.....	90 W.....	12	S 1/2 SE 1/4	80.00
		13	N 1/4 NW 1/4	80.00
		16	NW 1/4 SW 1/4	40.00
		17	SW 1/4 NW 1/4	40.00
150 N.....	91 W.....	9	SE 1/4 NW 1/4	40.00
		14	N 1/2 SW 1/4	80.00
		18	SW 1/4 NE 1/4	40.00

MERCER COUNTY

146 N.....	88 W.....	4	Lots 1 & 2	85.90
147 N.....	9 W.....	28	S 1/2 NE 1/4 NW 1/4	240.00
		29	SW 1/4 NE 1/4	40.00

MOUNTRAIL COUNTY

150 N.....	93 W.....	17	NE 1/4 NW 1/4	40.00
			Grand total.....	2,881.33

Together with all rights in coal reserved to the tribes in patents issued for other lands within the Garrison Reservoir.

ARTICLE III

SECTION 1. The fund of \$5,105,625 shall be subject to disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior, hereinafter called the "Commissioner", for the following purposes:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, to be taken for the Garrison project;

(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area of the Garrison project; and

(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area of the Garrison project.

SEC. 2. The cost of relocating and reestablishing Government-owned buildings, facilities, roads, and bridges will be paid from appropriations made or to be made for the construction of Garrison Reservoir, and funds for these purposes may, in the discretion of the Chief of Engineers, be transferred to the Commissioner for expenditure.

SEC. 3. No portion of the said fund of \$5,105,625 shall be expended by any agency of the Government for any expense or cost incurred by it in carrying out the terms of this contract.

SEC. 4. Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) of section 1 of this article shall remain to the credit of the tribes.

SEC. 5. Lands and improvements belonging to any church, mission, missionary society, or to any person not a member of the tribes are excluded from this contract, and no part of the fund dealt with in this article shall be used to pay for the same.

ARTICLE IV

SECTION 1. The Commissioner shall have prepared an appraisal schedule on an individual tract basis of the tribal and allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, he shall determine the fair market value of the land and improvements, giving full and proper weight to the following elements of appraisal: Damage suffered by partial taking of any tract of land, value of standing timber, mineral rights, and

the uses to which the lands are reasonably adapted. He shall also have the said schedule of appraisal submitted to the Chief of Engineers for approval.

SEC. 2. Upon approval by the Chief of Engineers, the Commissioner shall transmit to the Council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The Council and the interested individual Indians will have 90 days from the date of transmittal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

SEC. 3. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625.

SEC. 4. In all proceedings instituted in accordance with section 3 of this article, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

ARTICLE V

SECTION 1. The administrative responsibility for the removal, relocation, and reestablishment of the members of the tribes shall be vested in the Commissioner. The Commissioner shall prepare a plan of removal, together with the estimates of cost, and submit the same to the Chief of Engineers. Upon approval by the Chief of Engineers, the plan and estimates shall be transmitted to the Council and on approval by it the Commissioner shall carry out such plan. The plan shall include but shall not be restricted to the cost of transporting to their new locations members of the tribes, their household goods, farming equipment, livestock, and other property, the cost of constructing fences and of developing domestic and livestock water supplies on the residual reservation as it may be extended, and the cost of dismantling, transporting, and reerecting salvagable buildings and improvement.

SEC. 2. The Chief of Engineers shall promptly submit to the Commissioner a schedule

showing the approximate time of clearing the right-of-way of the Garrison project within the taking area of the Fort Berthold Reservation. Thereafter the Chief of Engineers and the Commissioner shall at least annually review the schedule of removal to decide upon any changes proposed by either party. The Chief of Engineers shall, however, have final authority to determine any necessary changes required to be made in the schedule. The schedule shall provide for systematic and orderly clearing of the right-of-way by succession of segments.

ARTICLE VI

SECTION 1. The Commissioner shall prepare a plan, together with cost estimates, for the relocation and reestablishment of tribal monuments, shrines, and other tribal facilities, and for the disinterment and reinterment of all bodies within the Taking Area, designated by the Council, allottees, heirs, and churches, and submit the same to the Chief of Engineers. Upon approval of the plan and cost estimates by the Chief of Engineers the Commissioner shall transmit the same to the Council and upon approval by it, the Commissioner shall carry out such plan.

SEC. 2. New sites for the reestablishment of monuments, shrines, private burials, and cemeteries shall be acquired out of the proceeds from the taking of present sites within the Taking Area. Titles to the new sites shall be of like character as exist for the sites acquired by the United States within the Taking Area.

SEC. 3. Responsibility for carrying out the plan provided for in section 1 of this article shall be undertaken, insofar as practicable, by the interested churches, heirs, allottees, Council, or keepers of a particular shrine. The removal plan shall provide for the employment of Indians and for tribal and religious ceremonies. The Commissioner, however, is authorized and directed to assume any responsibility not assumed by any other interested party or parties.

ARTICLE VII

The amount determined to be due the tribes for tribal lands and interests under the terms and conditions of this contract shall be held in trust by the United States for said tribes and may be used to acquire such other lands or other tribal property, or for such other purposes, as may be determined by the Council with the approval of the Commissioner. All lands thus acquired shall be held by the United States in trust for the benefit of the tribes as other tribal lands and shall be inalienable and nontaxable until otherwise provided by Congress, notwithstanding any other restrictions on the purchase of land under any other law.

ARTICLE VIII

SECTION 1. The amount determined to be due the individual allottees and other individual Indians shall be deposited to such individual Indians in their Individual Indian Money Accounts and shall be available for expenditures under the terms of this contract.

SEC. 2. Under regulations of the Secretary of the Interior or his duly authorized representative, the Superintendent of the Fort Berthold Reservation may authorize the disbursement of funds deposited in the Individual Money Accounts of nonresident members of the tribe and of such other members who, in his opinion, do not require supervision over such funds. Expenditures may be made from the accounts of individual Indians whenever necessary and desirable for the purchase of new lands, homes, or other property for such Indians.

SEC. 3. Title to new lands acquired with the proceeds deposited to the credit of the allottees or heirs shall be taken in the name of the United States in trust for the individual Indians entitled thereto, and

shall be nonalienable and nontaxable until otherwise provided by Congress.

ARTICLE IX

SECTION 1. Upon the approval of this contract by the Council and by a majority of the adult members of the tribes and its enactment into law, it is, and shall be held to be a relinquishment and conveyance to the Government of all lands, rights and interests within the taking area by the tribes as to tribal lands and by the allottees and heirs as to allotted lands, and no further relinquishment or instrument of conveyance shall be required to extinguish the Indians' interest in and to such lands and rights and to vest the title in the United States.

ARTICLE X

SECTION 1. Within 2 years from the date of this contract the Commissioner, with the approval of the Council, will transmit to the Chief of Engineers a plan for the grazing of livestock between the taking line and the actual water line of the Garrison Reservoir within the residual Fort Berthold Reservation. The said plan shall be based upon the fullest development of the residual reservation for livestock, and shall be accompanied by one or more maps upon which the areas required for grazing shall be delimited. Upon approval of the plan by the Chief of Engineers, the grazing areas delimited for the use of reservation livestock shall be permanently reserved to the tribes and the members thereof, and may not be reduced or changed thereafter except with the consent of the Commissioner and approval of the council. The Council may promulgate rules and regulations for the utilization of the areas so reserved.

SEC. 2. In the preparation of the grazing area plan, provided for in section 1 of this article, the commissioner shall, upon the advice of the chief of engineers, eliminate any feature which would interfere with the operation of the Garrison project, but no reservation of land below the taking line of Garrison Reservoir for park, recreational, or wildlife conservation within the Fort Berthold Reservation shall operate to interfere with the prior right of the tribes and the members thereof to the grazing areas delimited by the commissioner and approved by the chief of engineers, notwithstanding the provisions of section 4 of the Flood Control Act of December 22, 1944 (Public Law 534, 78th Cong.) as amended or supplemented by section 4 of the Flood Control Act of July 24, 1946 (Public Law 526, 79th Cong.).

SEC. 3. The Council will cooperate with the Government and with the State of North Dakota in the conservation, development, and utilization of the wildlife resources within the taking area. The hunting and trapping rights of the tribes and the members thereof, as presently established, are expressly reserved to them, and the Council will have the right to issue licenses in accordance with tribal regulations. The tribes and the members thereof will be entitled to fish in Garrison Reservoir under such rules and regulations as the Chief of Engineers may establish, but they shall not be required to pay any license fee therefor.

SEC. 4. The right is reserved to the tribes for use by its members, under such terms and conditions as shall be determined upon by the Council and in accordance with plans approved by the Chief of Engineers, to establish boat harbors, wharfs, and recreational areas within the taking area, provided that service and dock privileges shall not be made available to nonmembers of the tribes within the taking area of the reservoir located within the exterior boundaries of the reservation except in accordance with regulations and schedules of rates approved

by the tribes with the concurrence or approval of the Chief of Engineers.

ARTICLE XI

SECTION 1. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the taking area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least 3 months prior thereto.

SEC. 2. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further condition that the district engineer, Garrison district, shall serve notice of clearing at least 3 months prior thereto.

SEC. 3. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

SEC. 4. The district engineer, Garrison district, will give notice at least 6 months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

ARTICLE XII

If, in the future, subsurface values are discovered within the taking area, which if known at this time would increase the value of said area, and said values are reduced to money, then the tribes shall be entitled to have paid to them a royalty of one-eighth of the money received for the oil and gas extracted after the ratification of this agreement. Said royalties to be deposited to the tribal funds, or paid to allottees or heirs as their interests now appear.

ARTICLE XIII

This agreement has been reached upon the understanding that it was the intention of Congress that the entire reasonable cost of accomplishing the purposes set forth in subparagraphs (a), (b), and (c) of section 1, article III, should be paid from appropriations made or to be made for the construction of Garrison Reservoir; and that if the \$5,105,625 now available is insufficient to meet such reasonable costs as approved by the Chief of Engineers, such additional sum or sums as may be necessary therefor will be made available from appropriations for construction of Garrison Reservoir.

ARTICLE XIV

No Member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

ARTICLE XV

This contract shall not become effective until it has been ratified by a majority of the adult members of the tribes, by the Council of the tribes, and on behalf of the United States by the enactment into law by the Congress.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By R. A. WHEELER,
Lieutenant General, Chief of Engineers, United States Army.

Witnesses:

RACHEL MORRIS,
JOSEPH W. KIMBEL.

THE THREE AFFILIATED TRIBES
OF FORT BERTHOLD INDIAN
RESERVATION,

By GEORGE GILLETTE,
JAMES HALL, Sr.,
MARK MAHTO,
GEORGE CHARGING, Sr.,
JOSEPH PACKINEAU,
LEVI WATERS,
EARL BATEMAN,
LEO YOUNG WOLF,
RUFUS STEVENSON, JBS,
JAMES BAKER,

Members of the Tribal Business Council.

Witnesses:

ALLAN G. HARPER,
J. B. SMITH,
RALPH H. CASE,
JOHN G. HUNTER,
D'ARCY MCKICKLE.

I, Mark Mahto, certify that I am the secretary of the Tribal Business Council of the Three Affiliated Tribes named as a party to this contract, and that George Gillette, James Hall, Sr., Mark Mahto, George Charging, Joseph Packineau, Levi Waters, Earl Bateman, Leo Young Wolf, Rufus Stevenson, James Baker, who signed this contract on behalf of said tribes, constitute the duly elected and qualified Tribal Business Council.

In witness whereof, I have hereunto affixed my hand this 20th day of May 1948.

[SEAL] MARK MAHTO, Secretary.

We, Mark Mahto, secretary of the Tribal Council of the Three Affiliated Tribes of the Fort Berthold Reservation, and Ben Reifel, Superintendent of the Fort Berthold Indian Agency, hereby jointly certify that 625 adult members of the said tribes have signified their approval of the foregoing contract consisting of 44 pages numbered 1 to 44 by affixing their signatures to papers bearing the legend "We approve the contract with the United States relating to lands affected by Garrison Reservoir," which papers are on file in the office of the Fort Berthold Indian Agency. We further certify that the signatures on said paper represent a majority of the adult members of the said tribes, the total number of adult members as of this date being 960.

MARK MAHTO, Secretary.

BEN REIFEL, Superintendent.

I concur: May 20, 1948.

J. A. KRUG,

Secretary of the Interior.

SEC. 2. That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,000,000 for the establishment of a land Readjustment Fund which shall be administered by the Commissioner of Indian Affairs. The fund shall be operated for the benefit of the Indians of the Three Affiliated Tribes in consolidating their land holdings and in purchasing land for needy members thereof. The fund shall be operated for a period of 10 years from the date of the appropriation act therefor and at the termination of said period of 10 years any balance remaining therein shall revert to the Treasury, and all lands acquired by the fund which have not been deeded in trust to members of the Three Affiliated Tribes shall be held by the United States in trust for the Three Affiliated Tribes and shall be nontaxable and nonalienable until otherwise provided by Congress.

SEC. 3. That the sum authorized to be appropriated by section 2 of this joint resolution shall be used to bring about the consolidation of Indian allotted and tribal lands into economic use units. The Commissioner of Indian Affairs is authorized to acquire by purchase or exchange any allotted, inherited, or unrestricted lands, interests in lands and improvements, located in the Fort Berthold Reservation. Lands so acquired by purchase or exchange for the Indians will be taken in the name of the United States in trust for the tribes or individual Indians and lands so acquired by the tribes may be sold to or exchanged with members of the Three Affiliated Tribes. Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section. These lands shall have the same status as other tribal lands and be subject to existing laws relating to sales or exchanges, and shall remain nontaxable and nonalienable until otherwise provided by Congress. Proceeds derived by members of the Three Affiliated Tribes for lands taken for the Garrison project may be used to purchase lands acquired by the tribe with land readjustment funds. The tribal authorities may make assignments of land to needy members of the tribes in the manner provided by existing law.

SEC. 4. To compensate adequately the Three Affiliated Tribes and the individual members thereof for all breaches of their treaty with the United States of September 17, 1851 (11 Stat. 749), for the abrogation of section 5 (e) of article VI of the constitution and bylaws of the said Three Affiliated Tribes of the Fort Berthold Reservation, adopted in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); for the disruption of the economic, social, religious, and community life of the said tribes; for reducing the said tribes to the condition of displaced persons; for the destruction of the basic industry of the said tribes; for the intangible costs of relocation and the reestablishment of a sound economic base for the future of said tribes and their adjustment to the new fields of endeavor to be created by the construction and operation of Garrison Dam and Reservoir, none of which is covered by or compensated for by the appropriation made by said act of July 31, 1947, and which is not covered by or compensated for in the contract hereinbefore set out, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,500,000, and when said sum shall have been appropriated it shall be credited to the Three Affiliated Tribes in the Treasury of the United States and draw interest at the rate of 4 percent per annum, and shall be available for expenditure by the Tribal Council of the said Three Affiliated Tribes of the Fort Berthold Reservation with the approval of the Commissioner of Indian Affairs.

SEC. 5. That when electric power is available at the Garrison project, there is hereby reserved and set aside a block of power amounting to at least 20,000 kilowatts to be delivered at a point or points on the reservation and at a voltage to be determined by the Commissioner of Indian Affairs for use of the Three Affiliated Tribes on the residual Fort Berthold Reservation as it may be extended, and that the tribe or its authorized representative with the approval of the Commissioner of Indian Affairs shall pay for the amount of power used at a rate not to exceed 2 mills per kilowatt-hour. Until such time as the tribe shall require for uses on the reservation for the benefit of tribal enterprises and other enterprises, individual members and for other uses within the exterior boundaries of the reservation, as it may be extended, the amount of the reserved unit of power not actually being used within

the reservation may be used by the United States or its agency as may be required off the Fort Berthold Reservation. This electric energy may be used for any and all purposes as may be determined upon by the Tribal Council with the approval of the Commissioner of Indian Affairs.

SEC. 6. That, under the direction of the Secretary of the Interior, there shall be made complete investigations as to the feasibility of providing irrigation within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future. The facilities thus provided for the irrigation of Indian lands shall be not less favorable to the Indian lands than for non-Indian lands provided with such irrigation facilities, and the cost assessable against the land properly chargeable as an irrigation cost shall be not more than the cost of providing similar facilities to other lands receiving benefits from the Garrison Dam. The repayment of the share of the cost to be borne by the Indian lands shall be subject to the terms and conditions of other laws applicable to Indian lands, including the act of July 1, 1932 (47 Stat. 564-565).

SEC. 7. The fund of \$5,105,625, appropriated by Public Law 296, Eightieth Congress, for compensation to the Three Affiliated Tribes shall bear interest at 4 percent per annum in the Treasury of the United States, from July 31, 1947, and the interest shall likewise be credited to the Three Affiliated Tribes. The said funds shall be and remain nontaxable.

SEC. 8. In no event shall any portion of the fund of \$5,105,625 and any or all funds appropriated under the authority of this joint resolution become liable, payable, or subject to any debt or debts of the Three Affiliated Tribes and the members thereof contracted prior to the passage of this joint resolution, except debts to the United States or the Three Affiliated Tribes: *Provided*, That all outstanding obligations incurred by members of the Three Affiliated Tribes in connection with Farm Security Administration, Farm Home Administration, and seed and feed loan programs of the Federal Government shall be and are hereby canceled.

SEC. 9. The foregoing conditions and requirements, and the funds made available and those authorized to be appropriated in this joint resolution, when appropriated, shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota.

SEC. 10. It is hereby recognized that the royalties provided for in article XII of the contract shall apply to all minerals, including oil and gas, as therein dealt with.

SEC. 11. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as are required to carry out the conditions, provisions, and requirements of this joint resolution.

With the following committee amendments:

Page 20, line 18, strike out the first "East" and insert in lieu thereof "West."

Page 69, line 11, capitalize the word "land."

Page 69, line 12, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative."

Page 69, line 16, delete the second "d" from the word "period."

Page 70, line 4, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative."

Page 70, lines 12 to 14, strike out the following sentence:

"Preference shall be given to the original allottee in the purchase of or exchange for lands acquired by the tribes under this section."

Page 70, line 25, strike out the word "all" and insert in lieu thereof the words "any and all claims which they may have for."

Page 71, line 2, insert before the semicolon the words "by reason of the construction and operation of Garrison Dam and Reservoir project, North Dakota."

Page 71, line 2, insert after the word "the" the words "disregard or."

Page 72, line 2, strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior, or his duly authorized representative."

Page 72, lines 3 to 23, strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. When electric power is available from the Garrison Dam, there is hereby reserved and set aside a block of power of 20,000 kilowatts for sale and distribution by the Three Affiliated Tribes for use of such power on the residual Fort Berthold Reservation as it may be extended. This block of power shall be delivered at such point or points on the reservation and at such voltage as may be determined by the Secretary of the Interior. Payment shall be made for the power actually used at the lowest wholesale rate or rates, applicable to the same class of service, made available to other customers receiving electric power from the Garrison Dam power plant. The transmission and distribution system necessary for the delivery of such block of power to the customers of the said Three Affiliated Tribes shall be constructed from time to time as needed by the said tribes, with funds made available therefor by the United States without cost to the said tribes, and there is hereby authorized to be appropriated from time to time such sums as may be required for the construction of the said distribution system to make available to the customers of the said Three Affiliated Tribes the block of power herein reserved to them. The rates for the sale of the power by the Three Affiliated Tribes shall be subject to approval by the Secretary of the Interior. Until such time as the said Three Affiliated Tribes shall require all of the electric power reserved to them, any amount in excess of that actually required by the said Three Affiliated Tribes shall be available to the Secretary of the Interior for sale or disposition off the Fort Berthold Reservation as extended."

Page 73, lines 1 to 8, strike out the following: "within the residual areas of the Fort Berthold Reservation and there shall be constructed, maintained, and operated irrigation works on the lands within the residual area upon the findings of feasibility of providing such irrigation facilities. The provisions for such investigations and irrigation works shall extend to any Indian individual or tribal trust lands acquired in the future."

Insert in lieu thereof the following: "for any Indian individual or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction."

Page 73, lines 22 to 23, strike out the date "July 31, 1947" and insert in lieu thereof "May 20, 1948."

Page 74, lines 7 to 12, strike out the colon and remainder of the section and insert a period after the word "Tribes."

Page 74, line 15, after the word "when" insert the words "accepted by the Tribal Business Council of the Three Affiliated Tribes and."

Page 74, line 20, change the period to a colon and insert the following:

"Provided, That no funds authorized in this Act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the Tribal Council and approved by a majority of the adult members of said tribes as accepting payment authorized by this Act as "full, complete and final settlement of all rights, interest, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of Garrison Dam and Reservoir Project, North Dakota."

Page 75, add the following new section:

"Sec. 12. Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereafter authorized by law for the sale or exchange of lands owned by such tribes or members thereof."

The committee amendments were agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a statement made by a California State official before the House Committee on Public Lands.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CALIFORNIA AGAINST ITSELF

Mr. WELCH of California. Mr. Speaker, Harper's magazine has published a number of articles concerning the West by Bernard De Voto, one of which was *The West Against Itself*. This able writer could have written a convincing article entitled "California Against Itself" without much effort, based on the CONGRESSIONAL RECORD of this House and a hearing before the Public Lands Committee.

Mr. Edward Hyatt appeared before the Committee on Public Lands on March 4, 1949, and identified himself as follows:

I am State engineer of the State of California and executive officer of the water project authority of that State. I have a statement which is being handed around. I request the privilege of this being included in the record. * * * I am appearing before you on H. R. 1770 in response to instructions from Mr. Charles M. Purcell, director of Public Works and chairman of the authority. I am accompanied by Mr. Northcutt Ely, special counsel for the authority.

The statement by Mr. Hyatt, which I offer for the RECORD, is one of the original which he requested be handed around to the members of the House Committee on Public Lands.

I call special attention to No. 7 of Mr. Hyatt's suggested amendments to the Reclamation project act of 1939 which reads as follows:

The interest component of revenues, including power revenues, should not be assigned or otherwise applied to repayment of capital or other costs, but should be accounted for and paid as compensation for use of funds advanced.

If this recommendation of Mr. Hyatt's were carried out it would double if not treble the cost of water to farmers, irrigationists, and water users in the great Central Valley.

STATEMENT BY EDWARD HYATT, STATE ENGINEER OF CALIFORNIA, AND EXECUTIVE OFFICER OF THE WATER PROJECT AUTHORITY OF THE STATE OF CALIFORNIA, ON H. R. 1770, EIGHTY-FIRST CONGRESS, FIRST SESSION, BEFORE THE HOUSE COMMITTEE ON PUBLIC LANDS, MARCH 4, 1949

My name is Edward Hyatt. I am State engineer and executive officer of the Water Project Authority of California. I am appearing before you on H. R. 1770, in response to instructions from Mr. C. H. Purcell, director of public works and chairman of the authority. I am accompanied by Mr. Northcutt Ely, special counsel for the authority.

The California Water Project Authority is a statutory body consisting of the attorney general, State controller, State treasurer, director of public works, and director of finance. Its duties are particularly in connection with the Central Valley project of California. Therefore, it has for many years followed policies and procedures of the United States Bureau of Reclamation closely. It has interested itself in the various efforts over the last 3 years to revise the Reclamation Project Act of 1939, particularly so during the last year, when it made an intensive study of the whole matter.

At its meeting on November 30, 1938, the authority received a full report on the study that had been made of the reclamation laws and adopted certain principles which could be used in amending the Reclamation Project Act of 1939. These principles, taken from the minutes of the meeting of November 30, 1948, are appended at the end of this statement.

As executive officer of the Water Project Authority, I am in Washington primarily in the interests of the Central Valley project. I have just received word from Chairman Purcell that a preliminary examination of H. R. 1770 indicates that this bill does not incorporate some important principles which have been approved by the Authority. He asks that the committee be advised that the Authority cannot support the bill unless amendments are made to it putting into effect at least the more important principles approved by the Authority. The Authority believes that Federal reclamation projects should be economically justified and financially feasible. The feasibility of each project should be determined by specific and clearly expressed standards and criteria fixed by the Congress in order to protect Federal investments therein. Some liberalization in such standards is justified at this time in order to permit the development of new reclamation projects in the Western States. For example, it is believed that an extension of the repayment period beyond 40 or 50 years probably to 60 years or perhaps longer should be made. It should, however, be a definite figure determined and fixed by the Congress.

The principles approved by the authority November 30, 1948, are as follows:

"EXPLANATORY FOREWORD

"The accompanying principles to govern amendments to the Reclamation Project Act

of 1939, and the text of amendments to carry them into effect, were formulated to attain the following objectives:

"(1) To return to the Congress the power to authorize projects, and to allocate the cost thereof to project purposes, reimbursable and nonreimbursable. Experience, it is believed, has demonstrated that the delegation of powers of this nature to administrative discretion is improper. A primary objective of the present program is to require return to sound principles of government.

"(2) To enable investigations to be made of problems arising on existing and future projects, the formulation of solutions, and authorization of reports and recommendations to the Congress. By eliminating power to authorize projects, and to allocate costs thereof, much of the law would then occupy the status, in effect, not of positive law, but of standards of feasibility, which would guide the Secretary in reporting to the Congress, but which that body could, but need not, follow in acting on such reports. The program of proposed legislation, providing, in effect, that future project authorizations and cost allocations shall be made by special acts of Congress, properly also provides for keeping Congress currently informed of difficulties encountered and recommended solutions.

"(3) To liberalize standards of repayment. In formulating the program, representations on behalf of other western reclamation States have been accepted, among others, to the effect that existing standards of repayment are inadequate. Actions taken by the Eightieth Congress in liberalizing those standards as applied to a number of projects are considered as supporting those representations. At the same time, adherence to sound standards for the reclamation program is believed necessary in order to unite the support not only of the western reclamation States, but of the entire Nation. In devising the program, therefore, some concessions have been made to the expressed views of representatives of other States, but at the same time holding in view the objective of a sound and cohesive program.

"(4) To determine experimental programs of questionable validity and of doubtful expediency. In connection herewith, it is not believed that the Congress ever contemplated the United States embarking upon a program of delivering water on a utility basis. Another prime objective of the program is to prevent any further extensions of such experiments.

"(5) To preserve the integrity of the law of waters of the western reclamation States. In the past, a sensitive balance has been more or less precariously maintained between State and national policies relating to the use, control, and distribution of western water resources. Of recent years applications and interpretations of Federal law in this field have tended to upset this balance. A major objective of the program is to restore that balance in particular by requiring return to traditional conceptions of repayment contracts whereby continuing rights to the use of water may be acquired pursuant to State law.

"(6) To eliminate hidden subsidies. It is believed that continuation and advancement of the reclamation program is justified as supporting a balanced national economy by creating new wealth in agricultural, urban, and industrial fields. Therefore, on the basis of benefits received, it is considered that the Nation as a whole should continue to participate in the cost of the reclamation program on a reasonable basis, but the division of cost should be open and clearly disclosed, not hidden nor subject to devious and uncertain interpretations. Another major objective of the program is to clearly state the share of project costs to be borne by the Federal Treasury.

"(7) To avoid undue interference with local control where local interests predominate. Recent Federal contract programs have indicated an intent to invade the field of the internal economy of organizations formed under State law. This is considered an unwarranted extension of Federal power. Another guiding objective of the program is to require confinement of Federal control to the due protection of Federal interest and investment.

"Some of these objectives are expressly stated in the following principles. Those not expressed are considered inherent in those expressed.

"SUGGESTED PRINCIPLES TO GOVERN AMENDMENTS TO THE RECLAMATION PROJECT ACT OF 1939

"(1) The Secretary of the Interior should formulate a feasibility report on each proposed new project, new division, or new supplemental works with sufficient particularity to enable review and conclusion as to whether the project is desirable and is economically justified, and, subject to section 1 of the 1944 Flood Control Act, such report should be transmitted to the President and to the Congress, and authorization should be granted by the Congress in its discretion.

"(2) The feasibility report should include allocations of the estimated cost. Cost allocations made for existing projects should, in like manner with new projects, be effective only when approved by Congress, and reports thereon should be formulated and transmitted in like manner and effect as feasibility reports.

"(3) Nonreimbursable cost allocations should be made for recreation, silt and general salinity control, in addition to allocations now authorized to navigation and flood control, and preservation and propagation of fish and wildlife. Such allocations to recreation, silt and salinity control, and preservation and propagation of fish and wildlife should be limited to increased costs for those functions unless such limitation renders the project infeasible. Operation and maintenance costs, and replacement cost, attributable to nonreimbursable functions should likewise be nonreimbursable.

"(4) The period of repayment of costs allocated to irrigation and assigned to be repaid by water users should be limited to a maximum permissible period of 60 years, and costs allocated to power, or municipal water supply and miscellaneous purposes, should be limited to a maximum permissible period of 50 years, to commence with the first delivery of water or power to each contracting organization.

"(5) Reimbursable, repayable, or returnable cost allocations to irrigation should be interest free, while cost allocations to power, municipal water supply, and miscellaneous purposes should bear interest.

"(6) Interest, when imposed, should be at a rate adequate to recover the cost of money advanced, computed on the unpaid balance of the capital account, from date of commencement of service.

"(7) The insert component of revenues, including power revenues, should not be assigned or otherwise applied to repayment of capital or other costs, but should be accounted for and paid as compensation for use of funds advanced.

"(8) When costs allocated to irrigation have been assigned for repayment from net power revenues or net revenues from municipal water supply or miscellaneous purposes, such net revenues should be ratably apportioned each year so as to pay the annual payment required by such assignment, as well as the annual payment required on costs allocated to commercial power, or such other purposes, and such amounts so apportioned should be applied only to such repayment until the total irrigation allocation so assigned has been repaid in full to the United States.

"(9) The generation and sale of electric energy under the provisions of the act should be undertaken only as incidental to, and whenever feasible in connection with, other authorized objectives and as a means of financially aiding and assisting such undertakings and in order to permit the full utilization of works constructed to accomplish such objectives.

"(10) Contracts with irrigation water users, other than for delivery of water during development periods and for temporary use of surplus water, should be restricted to repayment contracts executed in conformity with section 8 of the Reclamation Act of June 17, 1902, and affording opportunity to the contracting organization to acquire continuing rights to the use of water for irrigation, appurtenant to the land, in accordance with State law.

"(11) Construction charges allocated to irrigation and assigned to be repaid by water users should be fixed in amounts reasonably within the ability of the water users to repay.

"(12) Annual installments of construction charges should not be required to be equal.

"(13) Repayment contracts should provide for the transfer to contracting organizations, on request, for care, operation, and maintenance, of irrigation works, upon substantial completion, including any distribution system constructed by the United States to serve a contracting organization exclusively; and irrigation works jointly serving two or more such contracting organizations, on request of such organizations, should likewise be transferred for care, operation, and maintenance. Such transfers should be subject to conditions necessary to protect the Federal interests and investment.

"(14) Although recognizing that there should be authority to include provisions in repayment contracts appropriate to secure adoption of proper accounting, to protect the condition of project works, and to provide for the proper operation and maintenance thereof, interference with local control over use of land and water by the contracting organization should be held to the minimum feasible extent.

"(15) Terms contracts for water delivery should not be authorized as a substitute for repayment contracts, but should be authorized during a development period of not to exceed 10 years pending execution of a repayment contract. In event of execution of such a term contract, and a repayment contract is executed during the term, the period of such term contract should be deducted from the permissible development period.

"(16) In event of full repayment of the reimbursable cost of a distribution system, according to the terms of a repayment contract executed therefor, on request of the contracting organization the Secretary of the Interior should recommend to the Congress transfer of title to such distribution system.

"(17) Throughout the history of the Federal reclamation laws, the Congress has repeatedly recognized that problems arising upon particular projects require resolution through special legislation. If therefore existing law, as amended, appears inadequate for resolution of problems arising upon projects therefore authorized, the Secretary of the Interior should be authorized to investigate such problems and to formulate reports thereon recommending enactment of special legislation, which reports, subject to section 1 of the Flood Control Act of 1944, should be transmitted to the President and to the Congress."

EXTENSION OF REMARKS

Mr. McCORMACK asked and was given permission to extend his remarks in the RECORD at this point with reference to former Secretary of the Navy John L. Sullivan.

HON. JOHN LAWRENCE SULLIVAN

Mr. McCORMACK. Mr. Speaker, a short time ago, a brilliant and distinguished career of public service was concluded—temporarily, I hope—by the resignation of Hon. John Lawrence Sullivan from his post as Secretary of the Navy.

My esteem and regard for both the person and accomplishments of Mr. Sullivan prompts me to note with regret his departure from official life in Washington, and to express a sincere wish that his return to private life will inaugurate but another chapter in the book of a life already replete with enduring achievements.

As the first Secretary of the Navy to serve under the National Defense Act of 1947, John Sullivan brought to that post his qualities of leadership, executive ability, organizational genius and tremendous energy. Devoting all of these talents to dynamic direction of the Department of the Navy, he has left the imprint of his personality upon that branch of our Armed Service and has left it with the distinctive reputation of being the world's best naval organization.

His career record in the service of our Nation is one of matchless and progressive accomplishment.

Entering the service as Assistant to the Commissioner of Internal Revenue in 1939, he successively held the responsible positions of Assistant Secretary of the Treasury, Assistant Secretary of the Navy for Air, Under Secretary of the Navy, and finally, Secretary of the Navy in the National Defense Establishment. His appointment to the last named office by President Truman on September 18, 1947, constituted a fitting climax to a career in the American tradition which had begun with service as an apprentice seaman in the United States Naval Reserve Force during World War I.

As a native of New England, Mr. Sullivan received his academic and legal training at Dartmouth College and Harvard Law School, respectively, and after admission to the New Hampshire bar, he embarked upon a professional career which has been marked with outstanding success both in New Hampshire and the District of Columbia. His ability in his chosen field of the law sustained him when he plunged with wholehearted fervor into the solution of the manifold administrative and legal problems which faced him in his various governmental positions. The record of his service proves that he solved those problems with vigor, dispatch, and expert efficiency.

Preoccupied as he was with such important duties, however, John Sullivan found time out of the abundance of his ability to devote his talents to nonofficial areas of activity. He has been prominently identified with civic, veteran, welfare, and political activities, and he has brought to those self-assumed tasks the same high order of accomplishment which has characterized his official life.

Perhaps the best encomium of his career will be found in the words of the citation presented to him when our President bestowed upon him the Medal of Merit in well-earned recognition of



81ST CONGRESS
1ST SESSION

H. J. RES. 33

IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Interior and Insular Affairs

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That, subject to the additional terms and conditions herein-
4 after set forth in sections 2 to 11, inclusive, which are made
5 a part of this ratification, the following contract by and
6 between the United States of America and the Three Affili-
7 ated Tribes of the Fort Berthold Reservation, North Dakota,
8 entered into on May 20, 1948, pursuant to the provisions
9 of the War Department Civil Appropriation Act, 1948

1 (Public Law 296, Eightieth Congress), is hereby ratified
2 by the Congress, to wit:

3 **CONTRACT**

4 BY AND BETWEEN THE UNITED STATES AND
5 THE INDIANS OF THE FORT BERTHOLD
6 RESERVATION AS PROVIDED FOR BY PUB-
7 LIC LAW 296, EIGHTIETH CONGRESS, FIRST
8 SESSION

9 This contract, made and entered into this 20th day
10 of May, 1948, by and between the United States of America,
11 hereinafter called the "government", represented by the
12 Chief of Engineers, United States Army, and the Three
13 Affiliated Tribes of the Fort Berthold Reservation, North
14 Dakota, hereinafter called the "tribes", with the approval
15 of a majority of the adult members of said tribes, witnesseth
16 that:

17 Whereas, an item in the War Department's Civil Appro-
18 priations Act, 1948 (Public Law 296, Eightieth Congress,
19 approved July 31, 1947), appropriating funds for "Flood
20 Control, General", provides:

21 "Garrison (North Dakota) Reservoir: For acquisition
22 of the lands and rights therein within the taking line of
23 Garrison Reservoir which lands lie within the area now
24 established as the Fort Berthold Indian Reservation, North
25 Dakota, including all elements of value above or below the

1 surface thereof and including all improvements, severance
2 damages and reestablishment and relocation costs the sum
3 of \$5,105,625, which said sum is included in the total
4 allocated under this Act for the said Garrison Reservoir
5 and which shall be deposited in the Treasury of the United
6 States to the credit of the Three Affiliated Tribes of Fort
7 Berthold Reservation, to be subject to withdrawal and dis-
8 bursement as herein provided. This amount is made avail-
9 able subject to the following conditions subsequent and in
10 the event the said conditions are not complied with then
11 this amount shall lapse and be thereby null and void. Said
12 conditions subsequent are:

13 That a contract between the United States and the said
14 Three Affiliated Tribes shall be negotiated and approved
15 by a majority of the adult members of said tribes and enacted
16 into law by the Congress, providing for the conveyance of
17 said lands and interests and the use and distribution of said
18 fund and that disbursements from said fund shall be made
19 forthwith in accordance with said approved contract and
20 Act of Congress.

21 That said contract shall be submitted to the Congress
22 on or before the first day of June 1948: *Provided, however,*
23 That, notwithstanding said contract or the provisions of this
24 Act, the said Three Affiliated Tribes may bring suit in
25 the Court of Claims as provided in section 24 of the Act

1 of August 13, 1946, on account of additional damages, if
2 any, alleged to have been sustained by said tribes by reason
3 of the taking of the said lands and rights in the said Fort
4 Berthold Indian Reservation on account of any treaty
5 obligation of the Government or any intangible cost of
6 reestablishment or relocation, for which the said tribes are
7 not compensated by the said \$5,105,625."

8 Now, Therefore, the parties hereto do mutually agree
9 as follows:

10 ARTICLE I

11 The tribes, notwithstanding this contract, reserve to them-
12 selves all their rights and privileges to pursue further their
13 claims against the government by filing suit in the Court
14 of Claims in accordance with Public Law 296 or by petition-
15 ing Congress for additional relief legislation, or both.

16 ARTICLE II

17 The lands to be taken or acquired by the United States
18 under this contract, to be hereinafter referred to as the
19 "Taking Area", are described as follows:

20 PART A—WITHIN RESERVATION BOUNDARIES

21 Beginning at the Northwest corner of Section 6, Town-
22 ship 150 North, Range 93 West of the 5th P. M.; thence
23 East to the West sixteenth line; thence South to the East
24 and West quarter line; thence East to center of said Section;
25 thence South to South quarter corner; thence East to the

1 West line of the East half of the Southwest quarter of the
 2 Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence North to South
 3 sixteenth line; thence East to East Section line; thence
 4 South to Southeast corner of said Section 6; thence West
 5 to West line of the East half of the East half of the North-
 6 east quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to
 7 East and West quarter line; thence East to the East line
 8 of the West half of the Northwest quarter of the Southwest
 9 quarter of Section 8; thence South to South sixteenth line;
 10 thence East to the North and South quarter line; thence
 11 North to center of said Section; thence East to East Section
 12 line; thence South to South sixteenth line; thence West
 13 to the East sixteenth line; thence South to North sixteenth
 14 line of Section 17; thence East to the West sixteenth line
 15 of Section 16; thence North to North Section line; thence
 16 East to North quarter corner; thence South to center of
 17 said Section; thence East to East sixteenth line of Section
 18 15; thence South to South sixteenth line; thence West to
 19 North and South quarter line; thence South to North line
 20 of the South half of the Southeast quarter of the Southwest
 21 quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line;
 22 thence South to the South Section line; thence West to
 23 the Southwest corner of Section 15; thence South to North
 24 sixteenth line of Section 22; thence East to North and South
 25 quarter line; thence North to the North line of the South

1 half of the Northwest quarter of the Northeast quarter
 2 ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$), thence East to East sixteenth line; thence
 3 North to the North line of Section 22; thence East to West
 4 line of the East half of the Southeast quarter of the South-
 5 east quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to
 6 the South sixteenth line; thence East to West sixteenth line
 7 of Section 14; thence South to the South Section line;
 8 thence West to the Southwest corner of said Section 14;
 9 thence South to the North sixteenth line of Section 23;
 10 thence East to the West sixteenth line; thence South to the
 11 South sixteenth line; thence East to the East sixteenth
 12 line; thence North to the North sixteenth line; thence East
 13 to the East Section line; thence North to the Northeast
 14 corner of Section 23; thence East to the East line of the
 15 West half of the East half of the Northwest quarter of
 16 Section 24; thence South to East and West quarter line;
 17 thence West to the East line of the West half of the West
 18 half of the Southwest quarter; thence South to South Section
 19 line; thence East to East sixteenth line; thence North to
 20 East and West quarter line; thence East to the East quarter
 21 corner of Section 24, Township 150 North, Range 93
 22 West of the 5th P. M.; thence East to West sixteenth line
 23 of Section 19, Township 150 North, Range 92 West of
 24 the 5th P. M.; thence South to North sixteenth line of
 25 Section 30; thence East to East line of Section 30; thence

1 South to the North line of the South half of the Southwest
 2 quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section
 3 29; thence East to the West sixteenth line; thence North
 4 to the South line of the North half of the Northwest quarter
 5 of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West
 6 to the West Section line; thence North to South sixteenth
 7 line of Section 20; thence East to the West sixteenth line;
 8 thence South to South Section line; thence East to the
 9 East sixteenth line; thence North to the East and West
 10 quarter line; thence East to the East quarter corner of
 11 Section 20; thence South to the West quarter corner of
 12 Section 28; thence East to center of said Section; thence
 13 South to South sixteenth line; thence East to the East
 14 Section line; thence South to the Southeast corner of Sec-
 15 tion 28; thence East to the East sixteenth line of Section
 16 34; thence South to the North sixteenth line; thence East
 17 to West sixteenth line of Section 35; thence North to the
 18 North Section line; thence East to the North quarter corner
 19 of Section 35; thence North to the center of Section 26;
 20 thence East to the East sixteenth line; thence North to
 21 South sixteenth line of Section 23; thence West to the
 22 North and South quarter line; thence North to the
 23 North sixteenth line; thence West to the West line of
 24 the East half of the Northwest quarter of the Northwest
 25 quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth

1 line of Section 14; thence East to the North and South
2 quarter line; thence South to South Section line; thence
3 East to West sixteenth line of Section 13; thence North
4 to South sixteenth line; thence East to North and South
5 quarter line; thence South to South quarter corner;
6 thence East to the East sixteenth line; thence North to
7 South sixteenth line; thence East to East line of Section
8 13, Township 150 North, Range 92 West of the 5th P. M.;
9 thence North to the West quarter corner of Section 18,
10 Township 150 North, Range 91 West; thence East to
11 the West sixteenth line; thence North to North sixteenth
12 line; thence East to East sixteenth line; thence North to
13 the North Section line; thence West to the North quarter
14 corner of Section 18; thence North to South sixteenth
15 line of Section 7; thence East to the East Section line;
16 thence North to the Northeast corner of Section 7; thence
17 West to South quarter corner of Section 6; thence North
18 to center of Section 6; thence West to West sixteenth line;
19 thence North to North line of Section 6; thence East along
20 Township line between Townships 150 & 151 North to
21 the Northwest corner of Section 1; thence South to West
22 quarter corner; thence East to West sixteenth line; thence
23 South to South sixteenth line; thence East to North and
24 South quarter line; thence South to South Section line;
25 thence East to Southeast corner of Section 1, Township

1 150 North, Range 91 West of 5th P. M.; thence South
 2 to the North line of the South half of Lot 2 of Section 7,
 3 Township 150 North, Range 90 West of the 5th P. M.;
 4 thence East to the West line of the East 20 acres of Lot 2;
 5 thence South to the East and West quarter line; thence
 6 West to the West quarter corner; thence South to the
 7 Southwest corner of Section 7; thence East to the West
 8 line of the East 20 acres of Lot 1 of Section 18; thence
 9 South to South line of said Section 18; thence East to
 10 the West sixteenth line of Section 19; thence South to
 11 North sixteenth line; thence West to West Section line;
 12 thence South to Southwest corner; thence East to the
 13 South quarter corner; thence North to center of Section;
 14 thence East to East quarter corner; thence South to North
 15 sixteenth line of Section 29; Thence East to North and
 16 South quarter line; Thence South to center of Section;
 17 thence West to West quarter corner of Section 29; thence
 18 South to South sixteenth line of Section 30; thence West
 19 to West sixteenth line; thence South to the South line
 20 of Section 31, Township 150 North, Range 90 West of
 21 the 5th P. M.; thence South along the West sixteenth
 22 line of Section 6, Township 149 North, Range 90 West
 23 of the 5th P. M. to the South line of said Section 6;
 24 thence East to North quarter corner of Section 7; thence

1 South to South sixteenth line; thence East to the West
 2 sixteenth line of Section 8; thence North to East and
 3 West quarter line; thence West to West line of the East
 4 half of the Southwest quarter of the Northwest quarter
 5 ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the
 6 Southeast quarter of the Northwest quarter of the North-
 7 west quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East
 8 line of the Southwest quarter of the Northeast quarter of
 9 the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to
 10 North sixteenth line; thence East to the West line of
 11 the East half of the Northwest quarter of the Northeast
 12 quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Sec-
 13 tion line; thence East to the Northeast corner of Section 8;
 14 thence North to South sixteenth line of Section 4; thence
 15 East to West sixteenth line; thence North to East and
 16 West quarter line; thence East to center of Section; thence
 17 South to South sixteenth line; thence East to East sixteenth
 18 line; thence South to North sixteenth line of Section 9;
 19 thence East to East line of Section 9; thence South to
 20 South sixteenth line of Section 10; thence East to West
 21 sixteenth line; thence North to North Section line; thence
 22 East to East sixteenth line; thence South to East and
 23 West quarter line; thence East to East quarter corner of
 24 Section 10; thence South to South sixteenth line of Section
 25 11; thence East to West sixteenth line of Section 11;

1 thence South to South Section line; thence East to East
 2 sixteenth line; thence North to East and West quarter
 3 line; thence East to East quarter corner of Section 11;
 4 thence South to South sixteenth line of Section 12; thence
 5 East to East Section line; thence South to North sixteenth
 6 line of Section 13; thence West to the East line of the
 7 West half of the Southeast quarter of the Northeast quarter
 8 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter
 9 line; thence West to the East sixteenth line; thence South
 10 to South line of Section 13; thence East to the East line
 11 of the West half of the Northeast quarter of the Northeast
 12 quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to
 13 the North sixteenth line; thence West to the West sixteenth
 14 line; thence North to the North Section line; thence West
 15 to the Northwest corner of Section 24; thence South to
 16 the North sixteenth line of Section 23; thence West to
 17 North and South quarter line; thence North to the North
 18 line of the South half of the North half of the Northwest
 19 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South
 20 quarter line of Section 22; thence South to center of
 21 Section; thence West to the East line of the West
 22 half of the Southeast quarter of the Northwest quarter
 23 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 24 thence West to East sixteenth line of Section 21; thence
 25 South to East and West quarter line; thence West to

1 the East line of the West half of the West half of the
 2 Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South
 3 Section line; thence East to Southeast corner of Section
 4 21; thence South to North sixteenth line of Section 27;
 5 thence East to West sixteenth line; thence South to East
 6 and West quarter line; thence East to center of Section;
 7 thence South to South sixteenth line; thence West to
 8 North and South quarter line of Section 28; thence North
 9 to center of Section; thence West to West sixteenth line;
 10 thence South to South sixteenth line; thence West to West
 11 Section line; thence South to West quarter corner of Sec-
 12 tion 33; thence East to West sixteenth line; thence South
 13 to South line of Section 33, Township 149 North, Range
 14 90 West of the 5th P. M.; thence East along North line
 15 of Section 1, Township 148 North, Range 91 West of the
 16 5th P. M. to the Northeast corner; thence South to South
 17 sixteenth line; thence West to East sixteenth line; thence
 18 South to East and West quarter line of Section 12; thence
 19 West to center of Section; thence South to South Section
 20 line; thence West to East sixteenth line of Section 14;
 21 thence South to East and West quarter line; thence West
 22 to East line of the West half of the Northwest quarter
 23 of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to
 24 South sixteenth line; thence West to North and South
 25 quarter line; thence South to South quarter corner; thence

1 East to Southeast corner of Section 14; thence South to
 2 North sixteenth line of Section 24; thence East to West
 3 sixteenth line; thence South to East and West quarter line;
 4 thence East to East sixteenth line; thence North to North
 5 Section line; thence East to Northeast corner of Section
 6 24, Township 148 North, Range 91 West of the 5th P. M.;
 7 thence South to West quarter corner of Section 19, Town-
 8 ship 148 North, Range 90 West of the 5th P. M.; thence
 9 East to center of Section; thence South to South sixteenth
 10 line; thence East to East line of Section 19; thence North
 11 to North sixteenth line of Section 20; thence East to North
 12 and South quarter line; thence South to South sixteenth
 13 line; thence East to East sixteenth line; thence South to
 14 South Section line; thence East to the East line of the
 15 West half of the Northwest quarter of the Northwest quarter
 16 ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North
 17 sixteenth line; thence East to the North and South quarter
 18 line; thence North to the South sixteenth line of Section
 19 21; thence East to West line of the East half of the North-
 20 west quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 21 thence North to North sixteenth line; thence East to the
 22 East sixteenth line; thence South to East and West quarter
 23 line; thence East to the East quarter corner; thence South
 24 to the North sixteenth line of Section 27; thence East to
 25 the West sixteenth line; thence South to East and West

1 quarter line; thence East to East quarter corner; thence
 2 North to North sixteenth line; thence West to East sixteenth
 3 line; thence North to North section line; thence East to
 4 West sixteenth line of Section 26; thence South to East
 5 and West quarter line; thence East to East line of the
 6 West half of the East half of the Southwest quarter
 7 ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence
 8 East to Southeast corner of Section 26; thence North to
 9 the West quarter corner of Section 25; thence East to West
 10 sixteenth line; thence South to South sixteenth line; thence
 11 East to East sixteenth line; thence South to South Section
 12 line; thence East to Southeast corner of Section 25, Town-
 13 ship 148 North, Range 90 West of the 5th P. M.; thence
 14 North to South sixteenth line of Section 30, Township
 15 148 North, Range 89 West of the 5th P. M.; thence East
 16 to West sixteenth line; thence South to North sixteenth
 17 line of Section 31; thence West to West Section line;
 18 thence South to Southwest corner; thence East to West
 19 sixteenth line; thence North to East and West quarter line;
 20 thence East to East sixteenth line; thence North to North
 21 sixteenth line; thence East to the East line of Section 31;
 22 thence South to South sixteenth line of Section 32; thence
 23 East to North and South quarter line; thence South to South
 24 quarter corner; thence East to East sixteenth line; thence
 25 North to South sixteenth line; thence East to East Sec-

1 tion line; thence South to Southeast corner of Section 32,
 2 Township 148 North, Range 89 West of the 5th P. M.;
 3 thence West to the West line of the East half of Lot 1
 4 of Section 5, Township 147 North, Range 89 West of
 5 the 5th P. M.; thence South to East and West quarter
 6 line; thence East to West sixteenth line of Section 4:
 7 thence North to North sixteenth line; thence East to East
 8 line of Section 4; thence South to South sixteenth line of
 9 Section 3; thence East to West sixteenth line; thence South
 10 to South line of Section 3; thence East to the East line of the
 11 West half of the Northwest quarter of the Northeast quarter
 12 of Section 10; thence South to North sixteenth line; thence
 13 East to the East sixteenth line; thence South to the East
 14 and West quarter line; thence East to East quarter corner
 15 of Section 10; thence South to South sixteenth line of
 16 Section 11; thence East to North and South quarter line of
 17 Section 12; thence North to North sixteenth line; thence
 18 West to West Section line; thence North to Northwest
 19 corner of Section 12; thence East to West sixteenth line
 20 of Section 1; thence North to South sixteenth line; thence
 21 West to West section line; thence North to North line
 22 of the South half of the Southwest quarter of the Northwest
 23 quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth
 24 line; thence South to East and West quarter line; thence
 25 East to center of Section; thence South to South quarter

1 corner; thence East to Southeast corner of Section 1, Town-
 2 ship 147 North, Range 89 West of the 5th P. M.; thence
 3 South to the North line of the South half of Lot 1 of
 4 Section 7, Township 147 North, Range 88 West of the
 5 5th P. M.; thence East to the West sixteenth line; thence
 6 North to the North line of Section 7; thence East to the
 7 South quarter corner of Section 6; thence North to the
 8 North line of the South half of the Southwest quarter of
 9 the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence East to the
 10 East sixteenth line; thence South to the South line of the
 11 North half of the Northwest quarter of the Northeast quarter
 12 ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and
 13 South quarter line; thence South to the North line of the
 14 South half of the North half of the Southeast quarter
 15 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East Section line; thence
 16 North to the East quarter corner of Section 7; thence East
 17 to the West line of the East half of the Southwest quarter
 18 of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8;
 19 thence North to the North sixteenth line; thence East to
 20 the North and South quarter line; thence North to the
 21 North quarter corner; thence East to the Northeast corner;
 22 thence South to the South line of the North half of the
 23 Northeast quarter of the Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$);
 24 thence West to East sixteenth line; thence South to the
 25 South line of the North half of the Southwest quarter of

1 the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence West to
 2 North and South quarter line; thence South to center of
 3 Section; thence West to the East line of the West half of
 4 the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 5 thence South to the South line of Section 8; thence West
 6 to West sixteenth line of Section 17; thence South to the
 7 North line of the South half of the Northeast quarter
 8 of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to
 9 East sixteenth line; thence North to North line of Section
 10 17; thence East to West line of the East half of the South-
 11 east quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Sec-
 12 tion 8; thence North to South sixteenth line; thence East
 13 to East line of Section 8; thence South to North line of
 14 the South half of the South half of the Southwest quarter
 15 ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South
 16 quarter line; thence South to South quarter corner of Sec-
 17 tion 9; thence West to West sixteenth line of Section 16;
 18 thence South to North line of the South half of the North-
 19 west quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$);
 20 thence West to West Section line; thence South to North
 21 line of the South half of the Southwest quarter of the
 22 Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West
 23 sixteenth line; thence South to East and West quarter line;
 24 thence East to center of Section; thence South to South

1 sixteenth line; thence West to West sixteenth line; thence
 2 South to South Section line; thence East to Southeast corner
 3 of Section 16; thence North to South sixteenth line of
 4 Section 15; thence East to East sixteenth line; thence North
 5 to North Section line; thence East to Northeast corner
 6 of Section 15; thence South to North sixteenth line of
 7 Section 14; thence East to North and South quarter line;
 8 thence South to center of Section; thence East to East
 9 quarter corner of Section 14; thence North to North line
 10 of the South half of the North half of the Northwest
 11 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North
 12 and South quarter line; thence South to North sixteenth
 13 line; thence East to East sixteenth line; thence North to
 14 North line of the South half of the Northeast quarter of
 15 the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East
 16 line of Section 13, Township 147 North, Range 88 West
 17 of the 5th P. M.; thence North to West quarter corner
 18 of Section 7, Township 147 North, Range 87 West of the
 19 5th P. M.; thence East to center of Section; thence North
 20 to North quarter corner; thence East to East sixteenth line;
 21 thence South to East and West quarter line; thence East
 22 to East quarter corner of Section 7; thence North to North
 23 line of the South half of the Southwest quarter of the North-
 24 west quarter of Section 8; thence East to West sixteenth
 25 line; thence North to North sixteenth line; thence East to

1 West line of the East half of the Northeast quarter of
 2 the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to
 3 North Section line; thence East to East line of the West
 4 half of the Northwest quarter of the Northeast quarter
 5 ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line;
 6 thence West to North and South quarter line; thence South
 7 to center of Section; thence West to East line of the West
 8 half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 9 thence South to South Section line; thence East to East
 10 sixteenth line; thence North to North line of the South
 11 half of the Southeast quarter of the Northeast quarter
 12 ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence
 13 South to Southeast corner of Section 8; thence East to South
 14 quarter corner of Section 9; thence North to North line of
 15 the South half of the North half of the Southeast quarter
 16 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9;
 17 thence South to South sixteenth line of Section 10; thence
 18 East to the East line of the Northwest quarter of the South-
 19 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 20 thence South to the North line of the Southeast
 21 quarter of the Southeast quarter of the Southwest quarter
 22 ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 23 North to South sixteenth line; thence East to the East line
 24 of the West half of the Southwest quarter of the Southwest
 25 quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to

1 the South line of the Northwest quarter of the Northwest
 2 quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of
 3 Section 14; thence West to the East line of the Southwest
 4 quarter of the Northeast quarter of the Northeast quarter
 5 ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East
 6 and West quarter line; thence East to East quarter corner
 7 of Section 15; thence South to the North line of the South
 8 half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$)
 9 of Section 14; thence East to North and South quarter line;
 10 thence South to the North line of the South half of the
 11 South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence
 12 East to the East line of Section 14; thence North to the
 13 South sixteenth line of Section 13; thence East to the West
 14 line of the East half of the Northwest quarter of the South-
 15 west quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 16 West quarter line; thence East to an intersection with the
 17 East boundary of the Fort Berthold Indian Reservation,
 18 as surveyed, at a point 2,321 feet West of the East
 19 quarter corner of Section 13, Township 147 North, Range 87
 20 West of the 5th P. M.; thence South 25° West along said
 21 Reservation Boundary Line, as surveyed, to the low water
 22 line of the right bank of the Missouri River; thence up-
 23 stream along said low water line of the right bank of the
 24 Missouri River to a point 1,663 feet North and 1,305 feet
 25 West of the East quarter corner of Section 1, Township 146

1 North, Range 88 West of the 5th P. M., said point being
2 on the East boundary of the Ft. Berthold Indian Reserva-
3 tion, as surveyed; thence South $53^{\circ} 09'$ West along said
4 Reservation Boundary, as surveyed, to the East line of
5 Section 16; thence North to the South sixteenth line of
6 Section 10; thence East to West sixteenth line; thence North
7 to East and West quarter line; thence West to West quarter
8 corner of Section 10; thence North to North sixteenth line
9 of Section 9; thence West to North and South quarter line;
10 thence South to center of Section; thence West to West
11 quarter corner; thence North to Northeast corner of Section
12 8; thence West to East sixteenth line of Section 8; thence
13 South to South line of Section; thence East to Southeast
14 corner of Section 8; thence South to North sixteenth line
15 of Section 16; thence East to West sixteenth line; thence
16 South to East and West quarter line; thence East to center
17 of Section; thence South on North and South quarter line
18 to the Ft. Berthold Indian Reservation Boundary Line;
19 thence South $53^{\circ} 09'$ West along said Boundary line to
20 the Southeast corner of Section 17; thence West to the East
21 sixteenth line of Section 18; thence North to the North line
22 of Section 18; thence West to the West sixteenth line of
23 Section 7; thence North to South sixteenth line; thence
24 East to North and South quarter line; thence North to
25 center of Section; thence West to West sixteenth line;

1 thence North to North sixteenth line; thence West to the
 2 West line of Section 7, Township 146 North, Range 88
 3 West of the 5th P. M.; thence West on North sixteenth
 4 line of Section 12, Township 146 North, Range 89 West
 5 of the 5th P. M. to the North and South quarter line; thence
 6 South to South sixteenth line; thence East to West line of
 7 the East half of the Southwest quarter of the Southeast
 8 quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section
 9 line; thence West to East line of the West half of the South-
 10 east quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$);
 11 thence North to South sixteenth line; thence West to West
 12 sixteenth line; thence North to East and West quarter line;
 13 thence West to center of Section 11; thence South to North
 14 line of the South half of the North half of the Southwest
 15 quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line;
 16 thence North to West quarter corner of Section 11; thence
 17 West to East sixteenth line of Section 10; thence North
 18 to North sixteenth line; thence East to East Section line;
 19 thence North to Northeast corner of Section 10; thence
 20 East to South quarter corner of Section 2; thence North to
 21 center of Section; thence West to West sixteenth line; thence
 22 North to North sixteenth line; thence East to East section
 23 line; thence North to Northeast corner of Section 2; thence
 24 East to West sixteenth line of Section 1; thence South to
 25 North sixteenth line; thence East to North and South quarter

1 line; thence South to the South line of the North half of the
 2 South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence
 3 East to East line of Section 1, Township 146 North, Range
 4 89 West of the 5th P. M.; thence North to the South six-
 5 teenth line of Section 36, Township 147 North, Range 89
 6 West of the 5th P. M.; thence West to East sixteenth line;
 7 thence North to East and West quarter line; thence West
 8 to West quarter corner of Section 36; thence North to North
 9 sixteenth line of Section 35; thence West to West sixteenth
 10 line; thence North to North Section line; thence West to
 11 Southeast corner of Section 28; thence North to East quarter
 12 corner; thence West to the West line of the East half of the
 13 Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 14 thence South to South sixteenth line; thence West to East
 15 line of the West half of the Northeast quarter of the South-
 16 west quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 17 West quarter line; thence West to West quarter corner of
 18 Section 28; thence North to North sixteenth line of Section
 19 29; thence West to East sixteenth line; thence South to
 20 East and West quarter line; thence West to center of Section;
 21 thence North to North sixteenth line; thence West to West
 22 sixteenth line; thence North to North line of Section 29;
 23 thence East to South quarter corner of Section 20; thence
 24 North to center of Section; thence West to West sixteenth
 25 line; thence South to South sixteenth line; thence West to

1 the West line of the East half of the Northwest quarter of
 2 the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence
 3 North to East and West quarter line; thence West to center
 4 of Section; thence South to South sixteenth line; thence
 5 West to the East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence West to the Southwest
 8 corner of Section 19, Township 147 North, Range 89 West
 9 of the 5th P. M.; thence West to North quarter corner of
 10 Section 25, Township 147 North, Range 90 West of the
 11 5th P. M.; thence South to North Sixteenth line; thence
 12 East to East Section line; thence South to East quarter cor-
 13 ner; thence West to the East line of the West half of the East
 14 half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to
 15 South Section line; thence West to South quarter corner of
 16 Section 26; thence North to South sixteenth line; thence
 17 West to the West Section line; thence South to Southwest
 18 corner of Section 26; thence West to South quarter corner of
 19 Section 27; thence North to center of Section; thence East
 20 to East quarter corner of Section 27; thence North to North
 21 sixteenth line of Section 26; thence East to North and South
 22 quarter line; thence North to center of Section 23; thence
 23 West to West sixteenth line; thence North to North six-
 24 teenth line; thence East to East sixteenth line; thence North
 25 to North line of Section 23; thence East to Southeast corner

1 of Section 14; thence North to East quarter corner; thence
 2 West to East sixteenth line; thence North to North sixteenth
 3 line; thence West to North and South quarter line; thence
 4 South to center of Section; thence West to West quarter
 5 corner of Section 14; thence North to North sixteenth line
 6 of Section 15; thence West to East sixteenth line; thence
 7 South to East and West quarter line; thence West to center
 8 of Section; thence North to North sixteenth line; thence
 9 West to West line of Section 15; thence South to South
 10 sixteenth line of Section 16; thence West to East sixteenth
 11 line; thence South to South Section line; thence West to
 12 South quarter corner; thence North to North quarter corner;
 13 thence West to West sixteenth line; thence South to East
 14 and West quarter line; thence West to West quarter corner
 15 of Section 16; thence South to North sixteenth line of Sec-
 16 tion 20; thence West to East sixteenth line; thence North
 17 to North Section line; thence West to North quarter corner;
 18 thence South to North sixteenth line; thence West to West
 19 sixteenth line; thence North to East and West quarter line
 20 of Section 17; thence West to West quarter corner of said
 21 Section 17; thence North to North line of the South half
 22 of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of
 23 Section 18; thence West to North and South quarter line;
 24 thence North to North quarter corner; thence East to North-

1 east corner of Section 18; thence North to South sixteenth
 2 line of Section 7; thence West to North and South quarter
 3 line; thence North to center of Section; thence West to
 4 West line of the East 20 acres of Lot 5; thence South to
 5 South section line; thence West to Southwest corner of
 6 Section 7, Township 147 North, Range 90 West of the
 7 5th P. M.; thence West along South line of Section 12,
 8 Township 147 North, Range 91 West of the 5th P. M.
 9 to the West line of the East half of the Southeast quarter
 10 of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to
 11 South sixteenth line; thence East to North and South quarter
 12 line; thence North to center of Section; thence West to the
 13 East line of the West half of the Northwest quarter of the
 14 Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South
 15 sixteenth line; thence West to the West line of the East
 16 half of the Northwest quarter of the Southeast quarter
 17 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and
 18 West quarter line; thence East to East sixteenth line; thence
 19 North to North sixteenth line; thence East to East Section
 20 line; thence North to Northeast corner of Section 11; thence
 21 West to the West line of the East half of the Southeast
 22 quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section
 23 2; thence North to South sixteenth line; thence West to
 24 East sixteenth line; thence North to East and West quarter
 25 line; thence West to East sixteenth line of Section 3; thence

1 North to North sixteenth line; thence West to North and
2 South quarter line; thence North to North quarter corner;
3 thence West to Northwest corner; thence South to West
4 quarter corner; thence East to West sixteenth line; thence
5 South to South sixteenth line of said Section; thence West
6 to North and South quarter line of Section 4; thence North
7 to North sixteenth line; thence West to West Section line;
8 thence South to West quarter corner of Section 4; thence
9 West to center of Section 5; thence South to South sixteenth
10 line; thence West to West sixteenth line; thence North to
11 North sixteenth line; thence West to West line of Section 5;
12 thence South to East quarter corner of Section 6; thence
13 West to East sixteenth line; thence North to North line of
14 said Section 6, Township 147 North, Range 91 West of the
15 5th P. M.; thence North on East sixteenth line of Section
16 31, Township 148 North, Range 91 West of the 5th P. M.
17 to East and West quarter line; thence West to West quarter
18 corner; thence South to South sixteenth line; thence East
19 to West sixteenth line; thence South to South line of Sec-
20 tion 31, Township 148 North, Range 91 West of the 5th
21 P. M.; thence East to North quarter corner of Section 6,
22 Township 147 North, Range 91 West of the 5th P. M.;
23 thence South to North sixteenth line; thence West to West
24 section line; thence South to West quarter corner; thence
25 East to the West line of the East 20 acres of Lot 6; thence

1 South to South line of Section 6; thence East to West
 2 sixteen line of Section 7; thence South to East and
 3 West quarter line; thence East to center of Section;
 4 thence South to South quarter corner; thence West to South-
 5 west corner of Section 7, Township 147 North, Range 91
 6 West of the 5th P. M.; thence West on North line of Sec-
 7 tion 13, Township 147 North, Range 92 West of the 5th
 8 P. M. to the East sixteen line; thence South to East and
 9 West quarter line; thence West to West quarter corner;
 10 thence North to North West corner of Section 13; thence
 11 East to West sixteen line of Section 12; thence North to
 12 North Section line; thence West to Southeast corner of
 13 Section 3; thence North to East quarter corner; thence West
 14 to the West line of the East half of the Southwest quarter
 15 of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to
 16 North sixteen line; thence West to the East line of the
 17 West half of the Southeast quarter of the Northwest quarter
 18 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter
 19 line; thence West to West sixteen line; thence South to
 20 South sixteen line; thence West to East sixteen line of
 21 Section 4; thence North to North sixteen line; thence
 22 West to East line of the West half of the Southeast quarter
 23 of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South
 24 to South sixteen line; thence West to West sixteen line;
 25 thence South to South Section line; thence East to South

1 quarter corner of Section 4; thence South to North sixteenth
 2 line of Section 9; thence West to West sixteenth line; thence
 3 South to North line of the South half of the Northeast
 4 quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence
 5 East to North and South quarter line; thence South to South
 6 quarter corner of Section 9; thence West to West sixteenth
 7 line of Section 16; thence South to East and West quarter
 8 line; thence West to the West line of the East half of the
 9 Southeast quarter of the Northeast quarter of Section 17;
 10 thence North to North line of said Section 17; thence West
 11 to East sixteenth line of Section 8; thence North to South
 12 sixteenth line; thence West to West line of the East half
 13 of the Northwest quarter of the Southeast quarter
 14 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter
 15 line; thence West to center of Section; thence South to
 16 South sixteenth line of Section 17; thence East to East
 17 sixteenth line; thence South to North line of the South half
 18 of the Southeast quarter of the Southeast quarter
 19 ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence
 20 South to Southeast corner; thence West to South quarter
 21 corner of Section 17; thence South to North sixteenth line
 22 of Section 20; thence East to East sixteenth line; thence
 23 South to East and West quarter line; thence West to center
 24 of Section; thence South to South quarter corner of Section
 25 20; thence East to East line of the West half of the North-

1 west quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of
 2 Section 29; thence South to South line of the Northwest
 3 quarter of the Southwest quarter of the Northeast quarter
 4 ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter
 5 line; thence South to South sixteenth line; thence East to
 6 East line of the West half of the Southwest quarter of the
 7 Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South
 8 Section line; thence East to the Southeast corner of Section
 9 29; thence South to West quarter corner of Section 33;
 10 thence East to West sixteenth line; thence South to South
 11 sixteenth line; thence East to North and South quarter line;
 12 thence North to center of Section; thence East to the East
 13 line of the West half of the West half of the Southeast
 14 quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section
 15 33, Township 147 North, Range 92 West of the 5th P. M.;
 16 thence East to Northwest corner of Section 3, Township
 17 146 North, Range 92 West of the 5th P. M.; thence South
 18 to North line of the South half of the South half of the
 19 North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line;
 20 thence South to East quarter corner of said Section 3; thence
 21 East to West sixteenth line of Section 2; thence South to
 22 South sixteenth line; thence East to West line of the East
 23 half of the Southeast quarter of the Southwest quarter
 24 ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the South-
 25 west quarter of the Northeast quarter of the Northwest

1 quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to
 2 West Section line; thence North to South line of the North
 3 half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of
 4 Section 3; thence West to West line of said Section 3;
 5 thence North to South sixteenth line of Section 4; thence
 6 West to North and South quarter line; thence North to center
 7 of Section; thence West to West sixteenth line; thence South
 8 to South sixteenth line; thence West to West Section line;
 9 thence South to Southwest corner of Section 4; thence West
 10 to West line of the East half of the Southwest quarter of
 11 the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence
 12 North to South sixteenth line; thence East to West line of
 13 the East half of the Northeast quarter of the Southeast
 14 quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 15 quarter line; thence East to East quarter corner; thence
 16 North to North sixteenth line; thence West to East six-
 17 teenth line; thence North to North Section line; thence
 18 West to Northwest corner of Section 5, Township 146
 19 North, Range 92 West of the 5th P. M.; thence North to
 20 the South line of the North half of the South half of the
 21 Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township
 22 147 North, Range 92 West of the 5th P. M.; thence West
 23 to North and South quarter line; thence South to South
 24 quarter corner; thence West to Southwest corner of Section;
 25 thence North on the West line of said Section 31, Township

1 147 North, Range 92 West of the 5th P. M. to an inter-
2 section with the low water line of the Little Missouri River
3 at the left or North bank of said stream; thence upstream in
4 a Northwesterly direction with said low water line of the
5 left bank, a distance of approximately 23 miles to an inter-
6 section with the North and South quarter line of Section 34,
7 Township 148 North, Range 95 West of the 5th P. M.;
8 thence North along said quarter line to the North quarter
9 corner of said section; thence East to Northeast corner of
10 Section 34; thence South to North sixteenth line of Section
11 35; thence East to North and South quarter line; thence
12 South to center of Section; thence East to East quarter
13 corner; thence South to Southeast corner of Section 35,
14 Township 148 North, Range 95 West of the 5th P. M.;
15 thence East to North quarter corner of Section 1, Township
16 147 North, Range 95 West of the 5th P. M.; thence South
17 to center of Section; thence East to East quarter corner of
18 and Section 1, Township 147 North, Range 95 West of the
19 5th P. M.; thence East to West sixteenth line of Section 5,
20 Township 147 North, Range 94 West of the 5th P. M.;
21 thence South to South sixteenth line; thence East to East
22 sixteenth line; thence South to South Section line; thence
23 East to Southeast corner of Section 5; thence South to North
24 sixteenth line of Section 17; thence West to East sixteenth
25 line; thence South to South Section line; thence East to

1 Southeast corner of said Section 17; thence South to West
 2 quarter corner of Section 21; thence East to center of Sec-
 3 tion; thence North to North sixteenth line; thence East to
 4 East sixteenth line; thence North to North Section line of
 5 Section 21; thence East to South quarter corner of Section
 6 14; thence North to South line of the North half of the
 7 Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$);
 8 thence West to West sixteenth line; thence North to North
 9 line of the South half of the Southeast quarter of the North-
 10 west quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and
 11 South quarter line; thence South to center of Section; thence
 12 East to East sixteenth line of Section 13; thence South to
 13 South sixteenth line; thence East to East section line; thence
 14 South to Southeast corner of said Section 13, Township
 15 147 North, Range 94 West of the 5th P. M.; thence East
 16 to South quarter corner of Section 18, Township 147 North,
 17 Range 93 West of the 5th P. M.; thence North to South
 18 sixteenth line; thence East to East line of the West half of the
 19 Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$);
 20 thence South to South Section line; thence East to South-
 21 east corner of said Section 18; thence South to South six-
 22 teenth line of Section 20; thence East to East Section line;
 23 thence South to the North line of the South half of the North
 24 half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28;

1 thence East to North and South quarter line; thence South
 2 to North sixteenth line; thence East to the East line of the
 3 West half of the Southeast quarter of the Northeast quarter
 4 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter
 5 line; thence East to West sixteenth line of Section 27; thence
 6 North to North Section line; thence East to North quarter
 7 corner; thence South to center of Section; thence East to
 8 East sixteenth line; thence South to South sixteenth line;
 9 thence East to North and South quarter line of Section 26;
 10 thence North to center of Section; thence East to East six-
 11 teenth line; thence North to North sixteenth line; thence
 12 East to East line of said Section 26; thence South to South
 13 sixteenth line of Section 25; thence East to East line of
 14 said Section 25, Township 147 North, Range 93 West of
 15 the 5th P. M.; thence East along the South sixteenth line
 16 of Section 30, Township 147 North, Range 92 West of the
 17 5th P. M. to the North and South quarter line; thence
 18 North to center of Section 19; thence East to East sixteenth
 19 line; thence North to North Section line; thence West to
 20 Northwest corner of said Section 19, Township 147 North,
 21 Range 92 West of the 5th P. M.; thence West to South
 22 quarter corner of Section 13, Township 147 North, Range
 23 93 West of the 5th P. M.; thence North to center of Sec-
 24 tion; thence East to East quarter corner of said Section 13,
 25 Township 147 North, Range 93 West of the 5th P. M.;

1 thence North to North sixteenth line of Section 7, Township
 2 147 North, Range 92 West of 5th P. M.; thence East to
 3 West sixteenth line; thence North to South sixteenth line of
 4 Section 6; thence East to East sixteenth line; thence North
 5 to East and West quarter line; thence West to West line of
 6 said Section 6, Township 147 North, Range 92 West of
 7 the 5th P. M.; thence South to South sixteenth line of
 8 Section 1, Township 147 North, Range 93 West of
 9 the 5th P. M.; thence West to North and South quarter
 10 line; thence South to South quarter corner; thence West
 11 to West sixteenth line; thence North to South sixteenth line;
 12 thence West to West line of said Section 1; thence North
 13 to South line of the North half of the Northeast quarter
 14 of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence
 15 West to East sixteenth line; thence North to North line
 16 of the South half of the Southeast quarter of the Northeast
 17 quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line;
 18 thence North to Northeast corner of said Section 2, Town-
 19 ship 147 North, Range 93 West of the 5th P. M.; thence
 20 West to South quarter corner of Section 35, Township 148
 21 North, Range 93 West of the 5th P. M.; thence North
 22 to South sixteenth line; thence West to West Section line;
 23 thence North to West quarter corner of said Section 35;
 24 thence West to center of Section 34; thence North to North
 25 quarter corner; thence East to North quarter corner of Sec-

1 tion 35; thence South to center of Section; thence East to
 2 West sixteenth line of Section 36; thence South to South
 3 Section line; thence East to Southeast corner of said Section
 4 36, Township 148 North, Range 93 West of the 5th P. M.;
 5 thence North to the North line of the South half of the
 6 South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Sec-
 7 tion 31, Township 148 North, Range 92 West of the 5th
 8 P. M.; thence East to North and South quarter line; thence
 9 South to South quarter corner; thence East to South quarter
 10 corner of Section 32; thence North to South sixteenth
 11 line; thence West to East sixteenth line of Section 31;
 12 thence North to East and West quarter line; thence
 13 East to East quarter corner of said Section 31; thence
 14 North to North line of the South half of the North
 15 half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Sec-
 16 tion line; thence North to South line of the North half
 17 of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence
 18 West to East sixteenth line of Section 31; thence North
 19 to North Section line; thence West to Northwest corner
 20 of said Section 31, Township 148 North, Range 92
 21 West of the 5th P. M.; thence North to South sixteenth
 22 line of Section 25, Township 14 North, Range 93 West
 23 of the 5th P. M.; thence West to East sixteenth line;
 24 thence North to East and West quarter line; thence West
 25 to center of Section; thence North to North quarter corner

1 of said Section 25; thence West to West sixteenth line of
 2 Section 24, thence North to North line of the South half
 3 of the Northeast quarter of the Southwest quarter
 4 ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 5 South to South Section line; thence East to Southeast
 6 corner of said Section 24, Township 148 North, Range 93
 7 West of the 5th P. M.; thence South to the North line of
 8 the South half of Lot 2, Section 30, Township 148
 9 North, Range 92 West of the 5th P. M.; thence East
 10 to North and South quarter line; thence South to center
 11 of Section; thence East to East quarter corner; thence
 12 North to Northeast corner of said Section 30; thence
 13 East to East line of the West half of the East half of the
 14 Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence
 15 South to East and West quarter line; thence East to East
 16 sixteenth line of Section 28; thence South to South sixteenth
 17 line; thence East to West sixteenth line of Section 27;
 18 thence North to East and West quarter line; thence West
 19 to West quarter corner; thence North to Northwest corner
 20 of said Section 2; thence West to East sixteenth line of Sec-
 21 tion 21; thence North to East and West quarter line; thence
 22 East to West sixteenth line of Section 22; thence South to
 23 South sixteenth line; thence East to East line of the West
 24 half of the Southeast quarter of the Southwest quarter

1 ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line;
 2 thence East to South quarter corner of said Section 22;
 3 thence South to North line of the South half of the
 4 North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Sec-
 5 tion 27; thence East to East line of said Section 27;
 6 thence South to North sixteenth line of Section 26; thence
 7 East to West line of the East half of the Southeast quarter
 8 of the Northwest quarter; thence South to South six-
 9 teenth line; thence West to the West sixteenth line;
 10 thence South to South Section line; thence East to East
 11 sixteenth line; thence North to South sixteenth line;
 12 thence East to East Section line; thence North to North-
 13 east corner of said Section 26; thence East to Northeast
 14 corner of Section 25; thence North to South sixteenth line
 15 of Section 24; thence West to East sixteenth line; thence
 16 North to North Section line; thence East to Northeast
 17 corner of said Section 24, Township 148 North, Range 92
 18 West of the 5th P. M.; thence South to North sixteenth
 19 line of Section 19, Township 148 North, Range 91 West
 20 of the 5th P. M.; thence East to West sixteenth line; thence
 21 South to East and West quarter line; thence East to center
 22 of Section; thence South to South sixteenth line; thence
 23 East to the East Section line; thence South to the
 24 Southeast corner of said Section 19; thence East to
 25 South quarter corner of Section 20; thence North to

1 North sixteenth line; thence West to West sixteenth
 2 line; thence North to South sixteenth line of Sec-
 3 tion 17; thence West to West Section line; thence
 4 North to North sixteenth line; thence East to West sixteenth
 5 line; thence North to North line of said Section 17;
 6 thence West to the West line of the East half of the
 7 West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Sec-
 8 tion 8; thence North to East and West quarter line;
 9 thence East to center of Section; thence North to South
 10 line of the North half of the Southeast quarter of the North-
 11 west quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West
 12 sixteenth line; thence North to North sixteenth line; thence
 13 West to West Section line; thence North to Northwest
 14 corner of said Section 8; thence West to South quarter corner
 15 of Section 6; thence North to South sixteenth line; thence
 16 West to West sixteenth line; thence North to East and
 17 West quarter line; thence East to East quarter corner of
 18 said Section 6; thence South to South sixteenth line of
 19 Section 5; thence East to North and South quarter line;
 20 thence North to North sixteenth line; thence West to West
 21 sixteenth line; thence North to North line of said Section
 22 5, Township 148 North, Range 91 West of the 5th P. M.;
 23 thence East to East sixteenth line of Section 34, Town-
 24 ship 149 North, Range 91 West of the 5th P. M.; thence
 25 North to South sixteenth line; thence West to West line

1 of the East half of the Northwest quarter of the Southeast
 2 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 3 quarter line; thence East to East quarter corner of said Sec-
 4 tion 34; thence South to South sixteenth line of Section 35;
 5 thence East to East line of the West half of the Southeast
 6 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 7 South to South Section line; thence East to South quarter
 8 corner; thence North to North sixteenth line; thence West
 9 to West sixteenth line; thence North to North Section
 10 line; thence East to North quarter corner of said Sec-
 11 tion 35; thence North to center of Section 26; thence
 12 East to East sixteenth line; thence North to North
 13 Section line; thence West to North quarter corner of
 14 said Section 26; thence North to South sixteenth line
 15 of Section 23; thence West to West line of the East
 16 half of the Northeast quarter of the Southwest quarter
 17 ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter
 18 line; thence West to West sixteenth line; thence North
 19 to North sixteenth line; thence West to West Section line;
 20 thence North to Northwest corner of said Section 23; thence
 21 West to East sixteenth line of Section 15; thence
 22 North to East and West quarter line; thence West
 23 to West line of the East half of the West half of
 24 the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to
 25 North Section line; thence West to North quarter

1 corner of said Section 15; thence North to center of Section
 2 10; thence West to West sixteenth line; thence North to
 3 North sixteenth line; thence West to East sixteenth line
 4 of Section 9; thence North to South sixteenth line of
 5 Section 4; thence West to West sixteenth line; thence North
 6 to North Section line; thence West to Northwest corner of
 7 said Section 4, Township 149 North, Range 91 West of
 8 the 5th P. M.; thence North to East quarter corner of Sec-
 9 tion 32, Township 150 North, Range 91 West of the 5th
 10 P. M.; thence West to West quarter corner; thence South
 11 to Southwest corner of said Section 32, Township 150
 12 North, Range 91 West of the 5th P. M.; thence West
 13 to East sixteenth line of Section 6, Township 149 North,
 14 Range 91 West of the 5th P. M.; thence South to
 15 North sixteenth line; thence West to West sixteenth
 16 line; thence South to East and West quarter line; thence
 17 West to West Section line; thence South to North line of
 18 the South half of Lot 6 of said section; thence East to West
 19 sixteenth line; thence South to South sixteenth line; thence
 20 East to East line of the West half of the Southeast quarter
 21 of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to
 22 South Section line; thence West to Southwest corner of
 23 said Section 6, Township 149 North, Range 91 West of
 24 the 5th P. M.; thence West to East sixteenth line of Sec-
 25 tion 1, Township 149 North, Range 92 West of the 5th

1 P. M.; thence North to South sixteenth line; thence West
 2 to the East line of the Northwest quarter of the Southeast
 3 quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence
 4 South to South line of the Northwest quarter of the South-
 5 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 6 thence West to West Section line; thence South to South-
 7 west corner of said Section 1; thence West to West
 8 sixteenth line of Section 11; thence South to North
 9 line of the South half of the Northeast quarter of the
 10 Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the
 11 East line of the Southwest quarter of the Northwest
 12 quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$);
 13 thence South to North sixteenth line; thence East to
 14 East sixteenth line; thence South to North line of the
 15 Southwest quarter of the Southeast quarter of the North-
 16 east quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line
 17 of the Southwest quarter of the Southeast quarter of
 18 the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South
 19 to East and West quarter line; thence East to East
 20 quarter corner; thence South to Southeast corner of
 21 said Section; thence West to East sixteenth line;
 22 thence North to South sixteenth line; thence West to
 23 North and South quarter line of Section 11; thence South
 24 to North sixteenth line of Section 14; thence West to
 25 East line of the West half of the Southwest quarter

1 of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South
 2 to East and West quarter line; thence West to West quarter
 3 corner; thence South to Southwest corner of said Section
 4 14; thence West to East sixteenth line of Section 15; thence
 5 North to East and West quarter line; thence West to the
 6 West line of the East half of the Southeast quarter of the
 7 Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence
 8 North to the North line of the Southeast quarter of the
 9 Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$);
 10 thence East to East Section line; thence North to
 11 Northeast corner of said Section 16; thence East to
 12 the South quarter corner of Section 10; thence North
 13 to South sixteenth line; thence East to East sixteenth
 14 line; thence North to North line of said Section 10;
 15 thence West to East line of the West half of the
 16 Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$)
 17 of Section 3; thence North to South sixteenth line;
 18 thence West to West Section line; thence North to West
 19 quarter corner of said Section 3; thence West to center of
 20 Section 4; thence South to South quarter corner; thence
 21 West to West sixteenth line; thence North to South line
 22 of the North half of the Northwest quarter of the South-
 23 west quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence West to West line
 24 of said Section 4; thence North to South line of the North
 25 half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$)

1 of Section 5; thence West to North and South quarter
 2 line; thence North to North quarter corner; thence West
 3 to Northwest corner of said Section 5; thence South
 4 to North sixteenth line of Section 6; thence West to
 5 West sixteenth line; thence North to North line of said
 6 Section 6, Township 149 North, Range 92 West of
 7 the 5th P. M.; thence East to the West line of the
 8 East half of the Southeast quarter of the Southwest
 9 quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150
 10 North, Range 92 West of the 5th P. M.; thence North
 11 to South sixteenth line; thence West to West Section
 12 line; thence South to Southwest corner of said Section
 13 31, Township 150 North, Range 92 West of the 5th
 14 P. M.; thence West to East sixteenth line of Section
 15 36, Township 150 North, Range 93 West of the
 16 5th P. M.; thence North to East and West quarter
 17 line; thence West to center of Section; thence South
 18 to South quarter corner of said Section 36, Town-
 19 ship 150 North, Range 93 West of the 5th P. M.;
 20 thence West to the East line of the West half of the East half
 21 of the Northwest quarter of Section 1, Township 149
 22 North, Range 93 West of the 5th P. M.; thence South
 23 to East and West quarter line; thence West to West
 24 line of the East half of the Southwest quarter of the
 25 Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to

1 North sixteenth line; thence East to West sixteenth
 2 line; thence North to North line of said Section 1, Town-
 3 ship 149 North, Range 93 West of the 5th P. M.; thence
 4 West to Southeast corner of Section 35, Township 150
 5 North, Range 93 West of the 5th P. M.; thence North
 6 to South sixteenth line; thence West to East sixteenth line;
 7 thence South to South Section line; thence West to West
 8 sixteenth line; thence North to South sixteenth line; thence
 9 East to North and South quarter line; thence North to
 10 North sixteenth line; thence West to West sixteenth line;
 11 thence South to East and West quarter line of Section 35;
 12 thence West to West line of the East half of the East half
 13 of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34;
 14 thence North to North Section line; thence West to
 15 North quarter corner; thence South to North sixteenth
 16 line; thence West to East sixteenth line of Section 33;
 17 thence North to North Section line; thence East to
 18 Northeast corner of said Section 33; thence North to
 19 East quarter corner of Section 28; thence West to West
 20 sixteenth line; thence North to North sixteenth line; thence
 21 West to East sixteenth line of Section 29; thence South
 22 to East and West quarter line; thence West to East line
 23 of the West half of the West half of the Southeast quarter
 24 ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Sec-
 25 tion 29; thence West to West sixteenth line of Section 32;

1 thence South to North sixteenth line; thence West to
 2 West Section line; thence South to West quarter corner
 3 of said Section 32; thence West to East sixteenth line
 4 of Section 31; thence North to North Section line;
 5 thence East to Northeast corner of said Section 31;
 6 thence North to West quarter corner of Section 29;
 7 thence East to West sixteenth line; thence North to
 8 East and West quarter line of Section 20; thence West
 9 to West quarter corner of said Section 20; thence North
 10 to North sixteenth line of Section 19; thence West to
 11 West line of said Section 19, Township 150 North,
 12 Range 93 West of the 5th P. M.; thence South to
 13 East quarter corner of Section 24, Township 150 North,
 14 Range 94 West of the 5th P. M.; thence West to West line
 15 of the East half of the Southwest quarter of the Northeast
 16 quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth
 17 line; thence East to East sixteenth line; thence North to
 18 North line of said Section 24; thence West to Southeast
 19 corner of Section 14; thence North to South sixteenth line;
 20 thence West to West line of said Section 14; thence South
 21 to Southeast corner of Section 15; thence West to South-
 22 west corner of said Section 15; thence North to South
 23 sixteenth line of Section 16; thence West to North
 24 and South quarter line; thence North to North sixteenth
 25 line; thence East to North and South quarter line of
 26 Section 15; thence South to center of Section; thence

1 East to East quarter corner of said Section 15; thence
 2 North to Northwest corner of Section 14; thence East to
 3 North quarter corner of Section 13; thence South to North
 4 sixteenth line; thence East to East Section line; thence North
 5 to Northeast corner of said Section 13; thence West to East
 6 sixteenth line of Section 12; thence North to South sixteenth
 7 line; thence West to North and South quarter line; thence
 8 North to center of Section; thence West to West line of the
 9 East half of the Southeast quarter of the Northwest quarter
 10 ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 11 thence West to West line of Section 12; thence North
 12 to North sixteenth line of Section 2; thence West to
 13 East sixteenth line; thence North to North line of said
 14 Section 2, Township 150 North, Range 94 West of
 15 the 5th P. M.; thence North on East sixteenth line of
 16 Section 35, Township 151 North, Range 94 West of
 17 the 5th P. M. to the East and West quarter line; thence
 18 East to East quarter corner; thence North to North
 19 sixteenth line; thence West to East sixteenth line; thence
 20 North to South sixteenth line of Section 26; thence West
 21 to North and South quarter line; thence North to center of
 22 Section; thence East to East quarter corner of said Section
 23 26; thence North to Southwest corner of Section 24; thence
 24 East to West sixteenth line; thence North to South
 25 sixteenth line of Section 13; thence West to West Sec-

1 tion line; thence South to Southwest corner of said
 2 Section 13; thence West to East sixteenth line of Sec-
 3 tion 14; thence North to East and West quarter line;
 4 thence West to West line of the East half of the West
 5 half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence
 6 North to North line of said Section 14; thence East to East
 7 sixteenth line of Section 11; thence North to South
 8 sixteenth line; thence West to West Section line; thence
 9 South to Southwest corner of said Section 11; thence
 10 West to East sixteenth line of Section 10; thence
 11 North to East and West quarter line; thence East to
 12 East quarter corner; thence North to Northeast corner
 13 of said Section 10; thence West to South quarter corner of
 14 Section 3; thence North to North line of the South half
 15 of the Northwest quarter of the Southeast quarter
 16 ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the South-
 17 west quarter of the Northeast quarter of the Southeast
 18 quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth
 19 line of Section 3; thence East to West sixteenth line of
 20 Section 2; thence South to South Section line; thence East
 21 to South quarter corner of said Section 2; thence South on
 22 North and South quarter line of Section 11 to North
 23 sixteenth line; thence East to East sixteenth line; thence
 24 North to North Section line; thence East to Northeast corner
 25 of said Section 11; thence South to North sixteenth line of
 26 Section 12; thence East to North and South quarter line;

1 thence North to North sixteenth line of Section 1; thence
 2 West to West sixteenth line; thence North to North
 3 line of Section 1, Township 151 North, Range 94 West
 4 of the 5th P. M.; thence North on the West sixteenth
 5 line of Section 36, Township 152 North, Range 94
 6 West of the 5th P. M. to the South sixteenth line; thence
 7 East to North and South quarter line; thence North to North
 8 quarter corner; thence East to Northeast corner of said Sec-
 9 tion 36, Township 152 North, Range 94 West of the 5th
 10 P. M.; thence East to the South quarter corner of
 11 Section 30, Township 152 North, Range 93 West of
 12 the 5th P. M.; thence North to South sixteenth line;
 13 thence East to the East Section line; thence North to
 14 Northeast corner of said Section 30; thence East to
 15 South quarter corner of Section 20; thence North to
 16 South sixteenth line; thence East to West line of the
 17 East half of the Northwest quarter of the Southeast
 18 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 19 quarter line; thence East to East quarter corner; thence
 20 North to West quarter corner of Section 16; thence
 21 East to West sixteenth line; thence South to South
 22 sixteenth line; thence East to East sixteenth line; thence
 23 South to South Section line; thence East to Southeast
 24 corner of said Section 16; thence North to Southeast
 25 corner of Section 9; thence West to South quarter cor-

1 ner; thence North 2,441.3 feet along the North and
 2 South quarter line to the North boundary of the Ft.
 3 Berthold Indian Reservation line as surveyed; thence
 4 East with said Reservation line approximately two (2)
 5 miles to the low water line of the Missouri River at the left
 6 bank of said stream; thence downstream with said low water
 7 line approximately seven (7) miles to the East and West
 8 quarter line of Section 7, Township 151 North, Range 93
 9 West of the 5th P. M.; thence East to center of Section;
 10 thence South to South quarter corner of said Section 7;
 11 thence West to the West sixteenth line of Section 18; thence
 12 South to South Section line; thence East to South quarter
 13 corner of said Section 18; thence South to North sixteenth
 14 line of Section 30; thence West to West sixteenth line;
 15 thence South to South sixteenth line; thence West to the
 16 West Section line; thence South to the Southwest corner
 17 of Section 31, Township 151 North, Range 93 West of
 18 the 5th P.M., being the same point as the point of begin-
 19 ning; also Lot 2, Southeast quarter of the Northeast
 20 quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), South-
 21 east quarter of the Southwest quarter of the Southeast
 22 quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion
 23 of Lot 5 of Section 13 bounded on the North by the
 24 North Section line, on the East by the Ft. Berthold
 25 Indian Reservation Line, on the South by a line 660 feet
 26 South and parallel to the North Section Line and on the

1 West by a line 660 feet East and parallel to the North
 2 and South quarter line of said Section 13, Township 147
 3 North, Range 87 West of the 5th P.M., containing in
 4 the aggregate, less water surface, 175,716.44 acres, more
 5 or less, EXCEPTING therefrom the following described
 6 lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N	92 W	5	Lot 1	40.10
147 N	91 W	2	Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$	158.20
147 N	92 W	4	Lots 3, 4 & 5	71.60
		5	Lots 1, 2, 3	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
147 N	94 W	14	W $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11	102.45
		23	Lots 5, 6, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N	91 W	17	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		33	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
148 N	92 W	32	Lots 4 & 5	66.03
149 N	91 W	11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
150 N	91 W	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00

McKENZIE COUNTY

152 N	93 W	15	SW $\frac{1}{4}$	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions	62.91
		29	N $\frac{1}{2}$ SW $\frac{1}{4}$	480.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	308.88
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions	324.54
152 N	94 W	33	Lot 2, plus accretions	18.91
		36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

147 N	87 W	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.28
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions	111.42
		23	Lots 3 & 4 less erosions	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N	88 W	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ E $\frac{1}{2}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		36	Lots 1, 2 & 3	53.00
147 N	89 W	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		6	Lot 4	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N	90 W	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N	89 W	30	Lot 4	35.14
148 N	90 W	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00

McLEAN COUNTY—Continued

Township	Range	Section	Description	Acres
148 N	90 W	25	S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		26	W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$	120.00
		27	SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	240.00
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
		29	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	360.00
		30	Lots 3 & 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	311.47
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	311.31
		32	SW $\frac{1}{4}$	160.00
		33	SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	280.00
		34	SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		35	N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
		36	W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
148 N	91 W	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	268.44
		2	Lots 1 & 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	377.35
		12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N	91 W	23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		24	SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		25	NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$	480.00
		26	Lots 4 & 5 plus accretions	74.88
149 N	90 W	36	NE $\frac{1}{4}$	160.00
		8	SE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
		10	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		12	S $\frac{1}{2}$ SE $\frac{1}{4}$	160.00
		13	N $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
		14	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	280.00
		15	NE $\frac{1}{4}$	160.00
		16	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	160.00
		17	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	122.50
		18	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	278.37
		19	NE $\frac{1}{4}$	160.00
		20	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		21	S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		22	N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	100.00
		23	N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	100.00
		27	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		28	NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		29	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		31	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		32	S $\frac{1}{2}$	320.00
		33	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
149 N	91 W	13	Lot 1	45.78
150 N	91 W	1	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
		2	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$	239.36
		4	Lots 1 & 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$	158.44
		6	Lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	319.21
		9	SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, 1 acre in the extreme SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$	201.00
		10	NE $\frac{1}{4}$, Lots 1, 2, 3 and SW $\frac{1}{4}$ SW $\frac{1}{4}$	259.60
		11	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		12	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	560.00
		13	NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$	397.30
		16	S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, also the following described tract; Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres	89.00
		17	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	42.50
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		24	Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	283.29
		8	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	240.00
		9	NW $\frac{1}{4}$	160.00
146 N	89 W	2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		11	N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	360.00
147 N	89 W	18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		27	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
147 N	90 W	25	E $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

150 N	92 W	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		26	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	160.00
		28	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		29	E $\frac{1}{2}$	320.00
		33	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		34	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	120.00
		35	N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		36	S $\frac{1}{2}$ S $\frac{1}{2}$	160.00
		14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
150 N	93 W	15	N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	120.00
		16	Lot 1 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ plus accretions	79.97
		17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		22	N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$	40.00
		23	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ plus accretions	178.26
		26	N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00

1 said exceptions, as tabulated above, containing 20,804.83
2 acres, more or less.

3 Total area of lands held by the Three Affiliated Tribes
4 within the Reservation Boundaries and within the Taking
5 Line of the Garrison Reservoir is 154,911.61 acres, more or
6 less.

7 PART B—RURAL AREAS

MOUNTRAIL COUNTY

151 N-----	92 W-----	24	W $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
151 N-----	93 W-----	6	Lot 5-----	32.11
		7	Lot 2-----	10.69
		8	NW $\frac{1}{4}$ -----	160.00
152 N-----	93 W-----	22	Lot 3-----	29.24
		23	Lots 1 & 2-----	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	98.12
			Total-----	543.89

8 PART C—IN TOWNSITES OF VAN HOOK AND SANISH, 9 NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9-----	All.	28 to 29-----	All.
10-----	3, 5 to 16.	30-----	9 to 16.
15-----	6, 15, 16.	31-----	All.
16-----	9, 10, 16.	33 to 36-----	All.
17-----	8, 9, 10, 12 to 15.	37-----	5 to 16.
18-----	All.	38 to 40-----	All.
19-----	2 to 9.	41-----	1, 2, 9 to 16.
20 to 26-----	All.	42-----	All.
27-----	1 to 8.		

SANISH

1 to 14-----	All.	49-----	1, 4 to 12.
15-----	1 to 17, 19, 20.	50-----	7 to 12.
16 & 17-----	All.	51 & 52-----	All.
18-----	1 to 6, 9, 10, 12.	53-----	1 to 6, 9 to 12.
19 & 20-----	All.	54-----	8, 9, 10, 12.
21-----	1 to 9.	55-----	7, 8.
22-----	1 to 6, 10.	56-----	10, 11, 12.
23 & 24-----	All.	57-----	10, 11.
25-----	1, 2, 3.	58-----	9 to 12.
26-----	1 to 6, 8, 11, 12.	59-----	5, 6.
27-----	1, 2, 9, 11.	60-----	1 to 6.
28-----	2, 11, 12.	61-----	1, 2, 3, 9 to 20.
29 & 30-----	All.	62-----	1 to 5, 8.
32-----	1 to 6, 11.	65-----	3 to 6.
33-----	1 to 6.	66-----	1 to 4, 6.
34-----	2 to 8, 12 to 20.	67-----	1 to 15.
35 & 36-----	All.	68-----	1 to 6, 8 to 12.
37-----	1 to 7, 10 to 12.	69-----	5, 6, 7.
39-----	1 to 6, 12.	70-----	1, 2, 4.
40-----	All.	71 & 72-----	All.
41-----	1 to 14, 19, 20.	73-----	3, 7 to 12.
42-----	2, 4, 8.	74-----	All.
44-----	2 to 7.	75-----	1, 2, 7 to 10.
46-----	1 to 3, 9, 10, 12.	76 to 81-----	All.
47-----	2 to 6, 9.	82-----	1, 2, 3.
48-----	1 to 6, 8 to 12.	84-----	3.

1 PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH
2 AND VAN HOOK, NORTH DAKOTA

VAN HOOK	
Block	Lots
32.....	All.
SANISH	
31.....	All.
42.....	6, 7.
43.....	All.

3 Part E, all rights in coal heretofore reserved to the
4 Tribes in the following described lands:

DUNN COUNTY				
Township	Range	Section	Description	Acres
146 N.....	92 W.....	5	Lot 1.....	40. 10
147 N.....	92 W.....	4	Lots 3, 4 & 5.....	71. 60
		5	Lots 1, 2 & 3.....	75. 62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149. 36
147 N.....	94 W.....	22	Lots 7, 8, 9 & 11.....	102. 45
		23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209. 81
148 N.....	92 W.....	32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$	146. 03
149 N.....	91 W.....	14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80. 00

McKENZIE COUNTY				
152 N.....	93 W.....	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480. 00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148. 88
152 N.....	94 W.....	36	NE $\frac{1}{4}$	160. 00

McLEAN COUNTY				
Township	Range	Section	Description	Acres
147 N.....	87 W.....	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11. 58
		17	NW $\frac{1}{4}$	160. 00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
147 N.....	88 W.....	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00
		21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
148 N.....	90 W.....	12	S $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
149 N.....	90 W.....	12	S $\frac{1}{2}$ SE $\frac{1}{4}$	80. 00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$	80. 00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40. 00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
150 N.....	91 W.....	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$	80. 00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00

MERCER COUNTY				
146 N.....	88 W.....	4	Lots 1 & 2.....	85. 90
147 N.....	87 W.....	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240. 00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40. 00

MOUNTRAIL COUNTY				
150 N.....	93 W.....	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40. 00
			Grand total.....	2, 881. 33

1 Together with all rights in coal reserved to the Tribes in
2 patents issued for other lands within the Garrison Reservoir.

3 ARTICLE III

4 Section 1. The fund of \$5,105,625 shall be subject to
5 disbursement under the direction of the Commissioner of
6 Indian Affairs, Bureau of Indian Affairs, United States
7 Department of the Interior, hereinafter called the "Com-
8 missioner", for the following purposes:

9 (a) Payment for tribal and allotted Indian lands
10 and improvements, including heirship interests, and
11 values above and below the surface, to be taken for
12 the Garrison Project;

13 (b) Costs of relocating and re-establishing the
14 members of the tribes who reside within the Taking
15 Area of the Garrison Project; and

16 (c) Costs of relocating and re-establishing Indian
17 cemeteries, tribal monuments, and shrines within the
18 Taking Area of the Garrison Project.

19 Section 2. The cost of relocating and re-establishing
20 government owned buildings, facilities, roads and bridges
21 will be paid from appropriations made or to be made for
22 the construction of Garrison Reservoir, and funds for these
23 purposes may, in the discretion of the Chief of Engineers,
24 be transferred to the Commissioner for expenditure.

25 Section 3. No portion of the said fund of \$5,105,625

1 shall be expended by any agency of the government for
2 any expense or cost incurred by it in carrying out the terms
3 of this contract.

4 Section 4. Any unexpended balance remaining from
5 the said fund of \$5,105,625 after the completion of the
6 purposes set forth in subsections (a), (b), and (c) of
7 Section 1 of this Article shall remain to the credit of the
8 tribes.

9 Section 5. Lands and improvements belonging to any
10 church, mission, missionary society or to any person not a
11 member of the tribes are excluded from this contract and
12 no part of the fund dealt with in this Article shall be used
13 to pay for the same.

14 ARTICLE IV

15 Section 1. The Commissioner shall have prepared an
16 appraisal schedule on an individual tract basis of the tribal
17 and allotted lands and improvements, including heirship
18 interests, located within the Taking Area. In the prepara-
19 tion thereof, he shall determine the fair market value of the
20 land and improvements, giving full and proper weight to
21 the following elements of appraisal: damage suffered by
22 partial taking of any tract of land, value of standing timber,
23 mineral rights, and the uses to which the lands are reason-
24 ably adapted. He shall also have the said schedule of
25 appraisal submitted to the Chief of Engineers for approval.

1 Section 2. Upon approval by the Chief of Engineers,
2 the Commissioner shall transmit to the Council the schedule
3 of appraisal in its entirety and such portions of the said
4 schedule to individual Indians as relate to their respective
5 interests. The Council and the interested individual Indians
6 will have ninety days from the date of transmittal in which
7 to present to the Commissioner their objections, if any, for
8 consideration and action thereon.

9 Section 3. The right of the tribes and of the allottees
10 and heirs of allottees to accept or reject the appraisal cover-
11 ing their respective property is reserved to them. Upon
12 the rejection of the appraisal affecting the lands or the
13 respective interests, the Department of the Army shall insti-
14 tute proceedings in the United States District Court for
15 North Dakota for the purpose of having the just compen-
16 sation for such property judicially determined. Any judg-
17 ment entered against the United States in such proceedings
18 shall be charged against the said fund of \$5,105,625.

19 Section 4. In all proceedings instituted in accordance
20 with Section 3 of this Article, individual members of the
21 tribes may request the Commissioner of Indian Affairs to
22 designate attorneys of the Bureau of Indian Affairs to
23 represent them.

24 ARTICLE V

25 Section 1. The administrative responsibility for the

1 removal, relocation and re-establishment of the members of
2 the tribes shall be vested in the Commissioner. The Com-
3 missioner shall prepare a plan of removal, together with
4 the estimates of cost, and submit the same to the Chief
5 of Engineers. Upon approval by the Chief of Engineers,
6 the plan and estimates shall be transmitted to the Council
7 and on approval by it the Commissioner shall carry out such
8 plan. The plan shall include but shall not be restricted to
9 the cost of transporting to their new locations members of
10 the tribes, their household goods, farming equipment, live-
11 stock and other property, the cost of constructing fences
12 and of developing domestic and livestock water supplies on
13 the residual reservation as it may be extended, and the cost
14 of dismantling, transporting, and re-erecting salvageable
15 buildings and improvements.

16 Section 2. The Chief of Engineers shall promptly submit
17 to the Commissioner a schedule showing the approximate
18 time of clearing the right-of-way of the Garrison Project
19 within the Taking Area of the Fort Berthold Reservation.
20 Thereafter the Chief of Engineers and the Commissioner
21 shall at least annually review the schedule of removal to
22 decide upon any changes proposed by either party. The
23 Chief of Engineers shall, however, have final authority to
24 determine any necessary changes required to be made in
25 the schedule. The schedule shall provide for systematic and

1 orderly clearing of the right-of-way by succession of segments.

2 ARTICLE VI

3 Section 1. The Commissioner shall prepare a plan, to-
4 gether with cost estimates, for the relocation and re-estab-
5 lishment of tribal monuments, shrines and other tribal
6 facilities, and for the disinterment and reinterment of all
7 bodies within the Taking Area, designated by the Council,
8 allottees, heirs, and churches, and submit the same to the
9 Chief of Engineers. Upon approval of the plan and cost
10 estimates by the Chief of Engineers the Commissioner shall
11 transmit the same to the Council and upon approval by it,
12 the Commissioner shall carry out such plan.

13 Section 2. New sites for the re-establishment of monu-
14 ments, shrines, private burials, and cemeteries shall be ac-
15 quired out of the proceeds from the taking of present sites
16 within the Taking Area. Titles to the new sites shall be
17 of like character as exist for the sites acquired by the United
18 States within the Taking Area.

19 Section 3. Responsibility for carrying out the plan pro-
20 vided for in Section 1 of this Article shall be undertaken,
21 insofar as practicable, by the interested churches, heirs,
22 allottees, Council, or keepers of a particular shrine. The
23 removal plan shall provide for the employment of Indians
24 and for tribal and religious ceremonies. The Commissioner,

1 however, is authorized and directed to assume any respon-
2 sibility not assumed by any other interested party or parties.

3 ARTICLE VII

4 The amount determined to be due the tribes for tribal
5 lands and interests under the terms and conditions of this
6 contract shall be held in trust by the United States for said
7 tribes and may be used to acquire such other lands or other
8 tribal property, or for such other purposes, as may be
9 determined by the Council with the approval of the Com-
10 missioner. All lands thus acquired shall be held by the
11 United States in trust for the benefit of the tribes as other
12 tribal lands and shall be inalienable and non-taxable until
13 otherwise provided by Congress, notwithstanding any other
14 restrictions on the purchase of land under any other law.

15 ARTICLE VIII

16 Section 1. The amount determined to be due the indi-
17 vidual allottees and other individual Indians shall be
18 deposited to such individual Indians in their Individual
19 Indian Money Accounts and shall be available for expendi-
20 tures under the terms of this contract.

21 Section 2. Under regulations of the Secretary of the
22 Interior or his duly authorized representative, the Superin-
23 tendent of the Fort Berthold Reservation may authorize
24 the disbursement of funds deposited in the Individual Money
25 Accounts of non-resident members of the tribe and of such

1 other members who, in his opinion, do not require super-
2 vision over such funds. Expenditures may be made from
3 the accounts of individual Indians whenever necessary and
4 desirable for the purchase of new lands, homes, or other
5 property for such Indians.

6 Section 3. Title to new lands acquired with the proceeds
7 deposited to the credit of the allottees or heirs shall be taken
8 in the name of the United States in trust for the individual
9 Indians entitled thereto, and shall be non-alienable and non-
10 taxable until otherwise provided by Congress.

11 ARTICLE IX

12 Section 1. Upon the approval of this contract by the
13 Council and by a majority of the adult members of the
14 tribes and its enactment into law, it is, and shall be held to
15 be a relinquishment and conveyance to the Government of
16 all lands, rights and interests within the Taking Area by
17 the tribes as to tribal lands and by the allottees and heirs
18 as to allotted lands, and no further relinquishment or instru-
19 ment of conveyance shall be required to extinguish the
20 Indians' interest in and to such lands and rights and to
21 vest the title in the United States.

22 ARTICLE X

23 Section 1. Within two years from the date of this con-
24 tract the Commissioner, with the approval of the Council,
25 will transmit to the Chief of Engineers a plan for the grazing

1 of livestock between the taking line and the actual water
2 line of the Garrison Reservoir within the residual Fort
3 Berthold Reservation. The said plan shall be based upon
4 the fullest development of the residual reservation for live-
5 stock, and shall be accompanied by one or more maps upon
6 which the areas required for grazing shall be delimited.
7 Upon approval of the plan by the Chief of Engineers, the
8 grazing areas delimited for the use of reservation livestock
9 shall be permanently reserved to the tribes and the members
10 thereof, and may not be reduced or changed thereafter except
11 with the consent of the Commissioner and approval of the
12 Council. The Council may promulgate Rules and Regula-
13 tions for the utilization of the areas so reserved.

14 Section 2. In the preparation of the grazing area plan,
15 provided for in Section 1 of this Article, the Commissioner
16 shall, upon the advice of the Chief of Engineers, eliminate
17 any feature which would interfere with the operation of the
18 Garrison Project, but no reservation of land below the taking
19 line of Garrison Reservoir for park, recreational, or wildlife
20 conservation within the Fort Berthold Reservation shall
21 operate to interfere with the prior right of the tribes and
22 the members thereof to the grazing areas delimited by the

1 Commissioner and approved by the Chief of Engineers, not-
2 withstanding the provisions of Section 4 of the Flood Control
3 Act of December 22, 1944 (Public Law No. 534, 78th Con-
4 gress) as amended or supplemented by Section 4 of the
5 Flood Control Act of July 24, 1946 (Public Law No. 526,
6 79th Congress).

7 Section 3. The Council will cooperate with the govern-
8 ment and with the State of North Dakota in the conserva-
9 tion, development, and utilization of the wildlife resources
10 within the Taking Area. The hunting and trapping rights
11 of the tribes and the members thereof, as presently estab-
12 blished, are expressly reserved to them, and the Council will
13 have the right to issue licenses in accordance with tribal
14 regulations. The tribes and the members thereof will be
15 entitled to fish in Garrison Reservoir under such Rules and
16 Regulations as the Chief of Engineers may establish, but they
17 shall not be required to pay any license fee therefor.

18 Section 4. The right is reserved to the tribes for use
19 by its members, under such terms and conditions as shall
20 be determined upon by the Council and in accordance with
21 plans approved by the Chief of Engineers, to establish boat
22 harbors, wharfs and recreational areas within the Taking

1 Area, provided that service and dock privileges shall not
2 be made available to non-members of the tribes within the
3 Taking Area of the Reservoir located within the exterior
4 boundaries of the reservation except in accordance with
5 regulations and schedules of rates approved by the tribes
6 with the concurrence or approval of the Chief of Engineers.

7

ARTICLE XI

8 Section 1. The tribes and the members thereof may
9 salvage, remove, reuse, sell, or otherwise dispose of all or
10 any part of their improvements within the Taking Area
11 without any deduction therefor in the appraisal schedule to
12 be prepared by the Commissioner, subject to the condition
13 that the District Engineer, Garrison District, may not enter
14 for the purpose of clearing the said improvements until at
15 least October 1, 1952, and subject further to the condition
16 that the District Engineer shall serve notice of such purpose
17 at least three months prior thereto.

18 Section 2. The tribes and the members thereof shall
19 have the privilege of cutting timber and all forest products
20 and removing sand and gravel, and may use, sell, or other-
21 wise dispose of the same until at least October 1, 1950 with-
22 out any deduction therefor in the appraisal schedule to be
23 prepared by the Commissioner, subject to the condition that

1 the said date may be adjusted to a later date by the Chief
2 of Engineers on the request of the Commissioner, and sub-
3 ject to the further condition that the District Engineer,
4 Garrison District, shall serve notice of clearing at least three
5 months prior thereto.

6 Section 3. The tribes and the members thereof may re-
7 move, sell, or otherwise dispose of lignite until such date
8 as the District Engineer, Garrison District, fixes for the im-
9 poundment of waters.

10 Section 4. The District Engineer, Garrison District, will
11 give notice at least six months in advance of the date on or
12 after which impoundment of waters may begin, and no
13 damage for loss of life or property due to impoundment
14 of waters on or after the date specified in said notice may be
15 claimed. The date established by such notification will not
16 be earlier than October 1, 1952.

17 ARTICLE XII

18 If, in the future, sub-surface values are discovered within
19 the Taking Area, which if known at this time would increase
20 the value of said area, and said values are reduced to money,
21 then the tribes shall be entitled to have paid to them a
22 royalty of one-eighth of the money received for the oil and
23 gas extracted after the ratification of this agreement. Said

1 royalties to be deposited to the tribal funds, or paid to allottees
2 or heirs as their interests now appear.

3 ARTICLE XIII

4 This agreement has been reached upon the understand-
5 ing that it was the intention of Congress that the entire
6 reasonable cost of accomplishing the purposes set forth in
7 subparagraphs (a), (b), and (c) of Section 1, Article
8 III, should be paid from appropriations made or to be made
9 for the construction of Garrison Reservoir; and that if the
10 \$5,105,625 now available is insufficient to meet such reason-
11 able costs as approved by the Chief of Engineers, such addi-
12 tional sum or sums as may be necessary therefor will be
13 made available from appropriations for construction of Gar-
14 rison Reservoir.

15 ARTICLE XIV

16 No member of or delegate to Congress, or resident com-
17 missioner, shall be admitted to any share or part of this
18 contract or to any benefit that may arise therefrom but this
19 provision shall not be construed to extend to this contract
20 if made with a corporation for its general benefit.

21 ARTICLE XV

22 This contract shall not become effective until it has
23 been ratified by a majority of the adult members of the

1 tribes, by the Council of the tribes, and on behalf of the
 2 United States by the enactment into law by the Congress.

3 In witness whereof, the parties hereto have executed
 4 this contract as of the day and year first above written.

5 Witnesses: The United States of America

6 RACHEL MORRIS By (Signed) R. A. WHEELER

7 JOSEPH W. KIMBEL Lieutenant General

8 Chief of Engineers,

9 U. S. Army

10 The Three Affiliated Tribes of

11 Fort Berthold Indian Reser-

12 vation

13 ALLAN G. HARPER By GEORGE GILLETTE

14 J. B. SMITH JAMES HALL, Sr.

15 RALPH H. CASE MARK MAHTO

16 JOHN G. HUNTER GEORGE CHARGING Sr.

17 D'ARCY McNICKLE JOSEPH PACKINEAU

18 LEVI WATERS

19 EARL BATEMAN

20 LEO YOUNG WOLF

21 RUFUS STEVENSON, JBS

22 JAMES BAKER

23 Members of the Tribal

24 Business Council

1 I, Mark Mahto, CERTIFY THAT I am the Secretary
2 of the Tribal Business Council of the Three Affiliated Tribes
3 named as a party to this contract, and that George Gillette,
4 James Hall, Sr., Mark Mahto, George Charging, Joseph
5 Packineau, Levi Waters, Earl Bateman, Leo Young Wolf,
6 Rufus Stevenson, James Baker, who signed this contract
7 on behalf of said tribes constitute the duly elected and
8 qualified Tribal Business Council.

9 In witness whereof, I have hereunto affixed my hand
10 this 20th day of May, 1948.

11 [SEAL] MARK MAHTO, Secretary.

12 We, Mark Mahto, Secretary of the Tribal Council of
13 the Three Affiliated Tribes of the Fort Berthold Reserva-
14 tion, and Ben Reifel, Superintendent of the Fort Berthold
15 Indian Agency, hereby jointly certify that 625 adult mem-
16 bers of the said tribes have signified their approval of the
17 foregoing contract consisting of 44 pages numbered 1 to
18 44 by affixing their signatures to papers bearing the legend
19 "We approve the contract with the United States relating
20 to lands affected by Garrison Reservoir", which papers are
21 on file in the office of the Fort Berthold Indian Agency.
22 We further certify that the signatures on said papers repre-

1 sent a majority of the adult members of the said tribes,
2 the total number of adult members as of this date being 960.

3 MARK MAHTO, Secretary

4 BEN REIFEL, Superintendent

5 I concur: May 20, 1948

6 J. A. KRUG

7 Secretary of the Interior

8 SEC. 2. That there is hereby authorized to be appro-
9 priated, out of any moneys in the Treasury not otherwise
10 appropriated, the sum of \$3,000,000 for the establishment of
11 a Land Readjustment Fund which shall be administered by
12 the Secretary of the Interior or his duly authorized represent-
13 ative. The fund shall be operated for the benefit of the
14 Indians of the Three Affiliated Tribes in consolidating their
15 land holdings and in purchasing land for needy members
16 thereof. The fund shall be operated for a period of ten years
17 from the date of the appropriation Act therefor and at the
18 termination of said period of ten years any balance remaining
19 therein shall revert to the Treasury, and all lands acquired by
20 the fund which have not been deeded in trust to members of
21 the Three Affiliated Tribes shall be held by the United States
22 in trust for the Three Affiliated Tribes and shall be non-

1 taxable and nonalienable until otherwise provided by
2 Congress.

3 SEC. 3. That the sum authorized to be appropriated by
4 section 2 of this joint resolution shall be used to bring about
5 the consolidation of Indian allotted and tribal lands into eco-
6 nomic use units. The Secretary of the Interior or his duly
7 authorized representative is authorized to acquire by purchase
8 or exchange any allotted, inherited, or unrestricted lands,
9 interests in lands and improvements, located in the Fort
10 Berthold Reservation. Lands so acquired by purchase or
11 exchange for the Indians will be taken in the name of the
12 United States in trust for the tribes or individual Indians and
13 lands so acquired by the tribes may be sold to or exchanged
14 with members of the Three Affiliated Tribes. These lands
15 shall have the same status as other tribal lands and be subject
16 to existing laws relating to sales or exchanges, and shall re-
17 main nontaxable and nonalienable until otherwise provided by
18 Congress. Proceeds derived by members of the Three Affil-
19 iated Tribes for lands taken for the Garrison project may be
20 used to purchase lands acquired by the tribe with land re-
21 adjustment funds. The tribal authorities may make assign-
22 ments of land to needy members of the tribes in the manner
23 provided by existing law.

24 SEC. 4. To compensate adequately the Three Affiliated
25 Tribes and the individual members thereof for any and

1 all claims which they may have for breaches of their treaty
2 with the United States of September 17, 1851 (11 Stat.
3 749), by reason of the construction and operation of Garri-
4 son Dam and Reservoir project, North Dakota; for the
5 disregard or abrogation of section 5 (e) of article
6 VI of the constitution and bylaws of the said Three
7 Affiliated Tribes of the Fort Berthold Reservation, adopted
8 in accordance with section 16 of the Indian Reorganization
9 Act of June 18, 1934 (48 Stat. 984); for the disruption
10 of the economic, social, religious, and community life of the
11 said tribes; for reducing the said tribes to the condition of
12 displaced persons; for the destruction of the basic industry
13 of the said tribes; for the intangible costs of relocation and
14 the reestablishment of a sound economic base for the future
15 of said tribes and their adjustment to the new fields of
16 endeavor to be created by the construction and operation
17 of Garrison Dam and Reservoir, none of which is covered by
18 or compensated for by the appropriation made by said Act
19 of July 31, 1947, and which is not covered by or compen-
20 sated for in the contract hereinbefore set out, there is hereby
21 authorized to be appropriated, out of any money in the
22 Treasury not otherwise appropriated, the sum of \$6,500,000,
23 and when said sum shall have been appropriated it shall
24 be credited to the Three Affiliated Tribes in the Treasury of
25 the United States and draw interest at the rate of 4 per

1 centum per annum, and shall be available for expenditure
2 by the Tribal Council of the said Three Affiliated Tribes of
3 the Fort Berthold Reservation with the approval of the Sec-
4 retary of the Interior or his duly authorized representative.

5 SEC. 5. When electric power is available from the Garri-
6 son Dam, there is hereby reserved and set aside a block of
7 power of twenty thousand kilowatts for sale and distribution
8 by the Three Affiliated Tribes for use of such power on the
9 residual Fort Berthold Reservation as it may be extended.
10 This block of power shall be delivered at such point or points
11 on the reservation and at such voltage as may be determined
12 by the Secretary of the Interior. Payment shall be made for
13 the power actually used at the lowest wholesale rate or rates,
14 applicable to the same class of service, made available to other
15 customers receiving electric power from the Garrison Dam
16 power plant. The transmission and distribution system
17 necessary for the delivery of such block of power to the
18 customers of the said Three Affiliated Tribes shall be con-
19 structed from time to time as needed by the said Tribes, with
20 funds made available therefor by the United States without
21 cost to the said Tribes, and there is hereby authorized to be
22 appropriated from time to time such sums as may be required
23 for the construction of the said distribution system to make
24 available to the customers of the said Three Affiliated Tribes
25 the block of power herein reserved to them. The rates for

1 the sale of the power by the Three Affiliated Tribes shall be
2 subject to approval by the Secretary of the Interior. Until
3 such time as the said Three Affiliated Tribes shall require
4 all of the electrical power reserved to them, any amount in
5 excess of that actually required by the said Three Affiliated
6 Tribes shall be available to the Secretary of the Interior for
7 sale or disposition off the Fort Berthold Reservation as
8 extended.

9 SEC. 6. That, under the direction of the Secretary of the
10 Interior, there shall be made complete investigations as to
11 the feasibility of providing irrigation for any Indian indi-
12 vidual or tribal trust lands within the residual Fort Berthold
13 Reservation as it may be extended, including any such lands
14 acquired in the future. Any irrigation works and related
15 facilities which, on the basis of such investigations, the
16 Secretary of the Interior determines to be feasible are hereby
17 authorized to be constructed, maintained, and operated under
18 his direction. The facilities thus provided for the irrigation
19 of Indian lands shall be not less favorable to the Indian lands
20 than for non-Indian lands provided with such irrigation
21 facilities, and the cost assessable against the land properly
22 chargeable as an irrigation cost shall be not more than the
23 cost of providing similar facilities to other lands receiving
24 benefits from the Garrison Dam. The repayment of the
25 share of the cost to be borne by the Indian lands shall be

1 subject to the terms and conditions of other laws applicable
2 to Indian lands, including the Act of July 1, 1932 (47 Stat.
3 564-565).

4 SEC. 7. The fund of \$5,105,625, appropriated by Public
5 Law 296, Eightieth Congress, for compensation to the Three
6 Affiliated Tribes shall bear interest at 4 per centum per
7 annum in the Treasury of the United States, from May 20,
8 1948, and the interest shall likewise be credited to the Three
9 Affiliated Tribes. The said funds shall be and remain
10 nontaxable.

11 SEC. 8. In no event shall any portion of the fund of
12 \$5,105,625 and any or all funds appropriated under the
13 authority of this joint resolution become liable, payable, or
14 subject to any debt or debts of the Three Affiliated Tribes
15 and the members thereof contracted prior to the passage of
16 this joint resolution, except debts to the United States or
17 the Three Affiliated Tribes.

18 SEC. 9. The foregoing conditions and requirements, and
19 the funds made available and those authorized to be appro-
20 priated in this joint resolution, when accepted by the Tribal
21 Business Council of the Three Affiliated Tribes and appro-
22 priated, shall be in complete and final settlement of all the
23 rights, interests, and claims whatsoever of the Three

1 Affiliated Tribes and the members thereof against the United
2 States by reason of the construction of the Garrison Dam
3 and Reservoir project, North Dakota: *Provided*, That no
4 funds authorized in this Act shall be made available to the
5 Three Affiliated Tribes or their members until the Secretary
6 of the Interior has received an appropriate resolution adopted
7 by the Tribal Council and approved by a majority of the
8 adult members of said tribes as accepting payment authorized
9 by this Act as full, complete, and final settlement of all
10 rights, interest, and claims whatsoever of the Three Affiliated
11 Tribes and the members thereof against the United States
12 by reason of the construction of Garrison Dam and Reservoir
13 project, North Dakota.

14 SEC. 10. It is hereby recognized that the royalties pro-
15 vided for in article XII of the contract shall apply to all
16 minerals, including oil and gas, as therein dealt with.

17 SEC. 11. There is hereby authorized to be appropriated,
18 out of any money in the Treasury not otherwise appropriated,
19 such sums as are required to carry out the conditions, provi-
20 sions, and requirements of this joint resolution.

21 SEC. 12. Lands or interests in lands acquired pursuant
22 to article VII or article VIII of the contract set forth in
23 section 1 of this joint resolution may be sold to or exchanged

1 with the Three Affiliated Tribes or members thereof, or may
2 be exchanged with other persons, in the manner now or
3 hereafter authorized by law for the sale or exchange of lands
4 owned by such Tribes or members thereof.

Passed the House of Representatives June 6, 1949.

Attest:

RALPH R. ROBERTS,

Clerk.

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

JUNE 7 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Interior
and Insular Affairs

VESTING TITLE TO CERTAIN LANDS OF THE THREE AFFILIATED
TRIBES OF THE FORT BERTHOLD RESERVATION, N. DAK., IN THE
UNITED STATES, AND PROVIDING COMPENSATION THEREFOR

JULY 1 (legislative day, JUNE 2), 1949.—Ordered to be printed

Mr. KERR, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. J. Res. 33]

The Committee on Interior and Insular Affairs, to whom was referred House Joint Resolution 33, providing for compensating the Three Affiliated Tribes of Indians of the Fort Berthold Indian Reservation, N. Dak., for lands taken and damages caused by the United States by reason of the construction and development of the Garrison Dam and Reservoir project, having had the same under consideration, report thereon with the recommendation that it do pass with the following amendments:

On page 1, strike out lines 3 to 9, both inclusive.

Strike out all on pages 2, 3, and 4, and insert in lieu thereof the following:

That, upon acceptance of the provisions of this Act by a majority of the adult members of the Three Affiliated Tribes of the Fort Berthold Reservation, all right, title, and interest of the said tribes in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface) shall vest in the United States of America.

SEC. 2. The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), shall not lapse into the Treasury as provided therein, but shall be available for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the "Commissioner") for the following purposes:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area;

(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain to the credit of the tribes.

2 VESTING TITLE TO CERTAIN NORTH DAKOTA TRIBAL LANDS

SEC. 3. To the extent that \$5,105,625 is insufficient to accomplish the purposes set forth in subsections (a), (b), and (c) of section 2, other funds appropriated for the construction of the Garrison project shall be used to complete the accomplishment of such purposes.

SEC. 4. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

SEC. 5. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have ninety days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

SEC. 6. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625.

SEC. 7. In all proceedings instituted in accordance with section 6 of this Act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

SEC. 8. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

SEC. 9. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least three months prior thereto.

SEC. 10. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further condition that the district engineer, Garrison district, shall serve notice of clearing at least three months prior thereto.

SEC. 11. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

SEC. 12. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

SEC. 13. In addition to the \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$4,000,000 shall, upon acceptance of the provisions of this Act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sum shall be in full satisfaction of (1) all claims, rights, and demands of said tribes arising out of this Act and not compensated for out of the said \$5,105,625, and the additional sums, if any, specified in section 3; (2) and of all other rights, claims, and demands of said tribes of any nature whatsoever existing on the date

of enactment of this Act, whether of tangible or intangible nature and whether or not cognizable in law or equity; (3) and of any and all claims, rights, or demands arising out of the treaty with the United States of September 17, 1851 (11 Stat. 749), or any other treaty (including any unratified treaty) or agreement prior to the approval and acceptance of this Act.

Sec. 14. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 13 of this Act shall bear interest at 4 per centum per annum from the date of acceptance of this Act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agency, attorney, or other representative of any individual Indian or tribe.

Sec. 15. The Taking Area is described as follows:

PART A—WITHIN RESERVATION BOUNDARIES

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the

On page 55, strike out lines 3 to 25, both inclusive.

Strike out all on pages 56 to 75, both inclusive.

On page 76, strike out lines 1 to 4, both inclusive.

This bill has been considered by the Committee on Public Lands of the House; on May 9, 1949, that committee submitted its report (H. Rept. 544) to the House recommending its passage and on June 6, 1949, it passed the House.

The salient facts regarding the provisions of this proposed legislation are:

1. That any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in the said act of July 31, 1947 (Public Law 296, 80th Cong.), will remain in the Treasury to the credit of said tribes. On the other hand if the said sum of \$5,105,625 is insufficient to accomplish said purposes other funds appropriated for the construction of the Garrison Dam project will be used to complete the accomplishments of such purposes.

2. That a board of appraisal shall be appointed consisting of three members, one member to be designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers, who shall make appraisements of all elements of damages involved and the schedule of appraisal shall be transmitted to the tribal council and individual Indians as such appraisal affects their respective interests. The tribes and/or any individual Indian or Indians may reject such appraisal within 90 days.

3. That if upon rejection of such appraisal, the Department of the Army will institute proceedings in the United States District Court for North Dakota for determination. The individual Indians may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them, without charge.

4. The tribes and the members thereof may use, salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the taking area without any deduction therefor in the appraisal schedule for a specified time. The district engineer will give notice of at least 6 months in advance of when impoundment of waters may begin, which date specified in said notice shall not be earlier than October 1, 1952.

5. In addition to the said \$5,105,625, now in the Treasury, the further sum of \$4,000,000 shall, upon the acceptance of the provisions of the bill by the tribes, be placed to the credit of the tribes in the Treasury, which sum shall be in full satisfaction of:

(a) All claims, rights, and demands of said tribes arising out of this act and not compensated for out of the said \$5,105,625, and the additional sums, if any; and

(b) All other rights, claims, and demands of said tribes of any nature whatsoever existing on the date of enactment of this act, whether of tangible or intangible nature and whether or not cognizable in law or equity; and

(c) Any and all claims, rights, or demands arising out of the treaty with the United States of September 17, 1851 (11 Stat. 749), or any other treaty (including any unratified treaty) or agreement prior to the approval and acceptance of the provisions of this bill.

6. The funds of \$5,105,625 and \$4,000,000 shall bear interest at 4 percent per annum from the date of the acceptance of the provisions of this resolution by the tribes until disbursed.

7. That no part of the funds appropriated or authorized to be appropriated by the bill shall be used for the payment of fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe.

This proposed legislation is designed to provide funds to compensate the Three Affiliated Tribes in full for all lands and property, tangible and intangible, which are necessarily being taken by the United States in connection with the construction and operation of the Garrison Dam and Reservoir project, in North Dakota.

The act of December 22, 1946 (58 Stat. 887), authorized the construction of the Garrison Dam and Reservoir project, in North Dakota, which project is a part of the plan to develop and control the waters of the Missouri River Basin.

The act of July 31, 1947 (Public Law 296, 80th Cong.), provides:

Garrison (North Dakota) Reservoir: For acquisition of the lands and rights therein within the taking line of Garrison Reservoir which lands lie within the area now established as the Fort Berthold Indian Reservation, North Dakota, including all elements of value above or below the surface thereof and including all improvements, severance damages, and reestablishment and relocation costs the sum of \$5,105,625, which said sum is included in the total allocated under this Act for the said Garrison Reservoir and which shall be deposited in the Treasury of the United States to the credit of the Three Affiliated Tribes of Fort Berthold Reservation, to be subject to withdrawal and disbursement as herein provided. This amount is made available subject to the following conditions subsequent and in the event the said conditions are not complied with then this amount shall lapse and be thereby null and void. Said conditions subsequent are:

That a contract between the United States and the said Three Affiliated Tribes shall be negotiated and approved by a majority of the adult members of said tribes and enacted into law by the Congress, providing for the conveyance of said lands and interests and the use and distribution of said fund and that disbursements from said fund shall be made forthwith in accordance with said approved contract and Act of Congress.

That said contract shall be submitted to the Congress on or before the first day of June 1948: *Provided, however,* That, notwithstanding said contract or the provisions of this Act, the said Three Affiliated Tribes may bring suit in the Court of Claims as provided in section 24 of the Act of August 13, 1946, on account of additional damages, if any, alleged to have been sustained by said tribes by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation on account of any treaty obligation of the Government or any intangible cost of reestablishment or relocation, for which the said tribes are not compensated by the said \$5,105,625.

Pursuant to the provisions of said act of July 31, 1947, a contract, dated May 20, 1948, was entered into between these Indians and the United States, and thereafter it was submitted to the committees of Congress for ratification. The hearings on such ratification before your committee during the Eightieth Congress developed, in the opinion of the members of your committee, that the provisions of said proposed contract did not in all respects conform to the intent of Congress as expressed in the act of July 31, 1947 (Public Law 296, 80th Cong.), and did not provide for a full and complete settlement of all the Indians' claims for damages against the United States caused by reason of the construction of the said Garrison Dam and Reservoir.

It is the judgment of your committee that these Indians should be now compensated in full for all damages caused them by reason of the taking of the lands and property necessary to be used in the construction of said Garrison Dam and Reservoir, and for all treaty obligations alleged to have been violated.

The appropriation of \$5,105,625 contained in the act of July 31, 1947 (Public Law 296, 80th Cong.), is based on an agreement, dated May 20, 1948, made by and between the Three Affiliated Tribes and the Chief of Engineers, United States Army, acting for the United States, which agreement was submitted to the Congress for ratification before June 1, 1948. Thus compliance with all the conditions specified by the Congress in said Public Law 296 has been effected and therefore the appropriation of \$5,105,625 should not lapse but remain in the Treasury to the credit of the tribes.

The said fund of \$5,105,625 is now placed in the Treasury and made available for the payment of lands and other property and rights of the Three Affiliated Tribes within the Fort Berthold Reservation, including all elements of value above or below the surface thereof and including all improvements, individual tract severance damages, and reestablishment and relocation costs.

The said agreement of May 20, 1948, sets forth the following purposes for which said sum of \$5,105,625 shall be available:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, to be taken for the Garrison Project;

(b) Costs of relocating and re-establishing the members of the tribes who reside within the Taking Area of the Garrison Project; and

(c) Costs of relocating and re-establishing Indian cemeteries, tribal monuments, and shrines within the Taking Area of the Garrison Project.

The area which is proposed to be taken under the provisions of this resolution embraces approximately 155,000 acres consisting of tribal and allotted lands. Approximately 50 percent of such allotted lands are in heirship status and the landholdings of many of the Indians consist of fractional undivided interests, acquired by inheritance. Generally the owners of these fractional interests are not now using these lands themselves but the lands are being leased to non-Indians. A total of 340,000 acres is now being leased to non-Indians on the Fort Berthold Indian Reservation.

The Fort Berthold Indians (Three Affiliated Tribes), pursuant to the provisions of the act of February 11, 1920 (41 Stat. 404), brought suit against the United States based upon the alleged nonfulfillment of various treaty stipulations contained in the treaty of September 17,

1851 (11 Stat. 749). The amount claimed was \$39,215,374.39. The sum of \$4,923,093.47 was awarded the Indians by the Court of Claims on December 1, 1930 (71 Ct. Cls. 308), from which gratuities aggregating \$2,753,924.89 were offset, leaving a net judgment of \$2,169,168.58. Included in the offset was an amount of \$400,000 claimed by the Indians to have been appropriated for their benefit pursuant to the provisions of an unratified treaty of July 27, 1866.

The Indians found no fault with the judgment of the Court of Claims, except as to the \$440,000 claimed to have been erroneously allowed as an offset.

Subsequently, by the act of July 1, 1946 (60 Stat. 359), \$400,000 was appropriated in full and final settlement of all claims and demands of the Fort Berthold Indians (Three Affiliated Tribes), which claims were based upon stipulations of said unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052).

The said act of July 1, 1946, provides:

For full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota in accordance with the provisions of H. R. 1095, Seventy-ninth Congress, \$400,000: *Provided*, That not to exceed 5 per centum of the amount herein appropriated may be used for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

The provisions of H. R. 1095, referred to in the said act of July 1, 1946 (60 Stat. 359), were enacted and approved June 28, 1946 (Public Law 467, 79th Cong., 60 Stat. 333), and provides as follows:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000 in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): *Provided*, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further*, That not to exceed 5 per centum of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

So the record reveals that these Indians have been fully compensated and their claims settled in full for any and all alleged claims which they may have had, based upon the alleged nonfulfillment by the United States of various treaty obligations.

This proposed legislation provides for a complete and final settlement of all claims and demands of said tribes for all damages sustained by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation, and of all other claims and demands of said tribes whether of tangible or intangible nature, or any alleged claims or demands arising out of the said treaty of September 17, 1851 (11 Stat. 749), or any other treaty (including any unratified treaty) or agreement, prior to the approval and acceptance of the provisions of this resolution. By the provisions of this resolution we propose to make settlement of their claims on a basis that is both just and generous. However, we feel that all claims of both individuals and tribes should be fully and finally settled. This resolution does these things, thereby removing any reason for further petition to the Congress for additional money and preventing the necessity

for any further action in the Court of Claims as provided for in the act of July 31, 1947 (Public Law 296, 80th Cong.).

This proposed legislation provides that no part of either the funds now appropriated or authorized to be appropriated and placed in the Treasury to the credit of these tribes will be used for payment of the fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe. The attorney or attorneys are being compensated out of other tribal funds. Your committee is advised that there are no existing authorized contracts with agents, attorneys, or representatives other than Mr. Ralph H. Case, an attorney of Washington, D. C. A copy of his letter dated June 21, 1949, is attached to this report, which fully explains the matter.

Your committee believes that the disbursement of the \$4,000,000 hereby authorized to be appropriated should be left to future determination by the Congress and the Indians.

It is the judgment of your committee that the provisions of this joint resolution as herein recommended to be amended afford a just and equitable settlement and that such settlement is for the best interests of the Indians involved and all concerned.

An identical joint resolution (S. J. Res. 11) was introduced on January 5, 1949, in the Senate and is now pending before your committee. An identical report on Senate Joint Resolution 11 was submitted by the Secretary of the Interior to your committee as the one submitted to the House Committee on Public Lands on House Joint Resolution 33, to which report (H. Rept. 544) of the Secretary of the Interior reference is hereby made. However, by such reference your committee is not concurring in all the statements contained in the said Secretary of the Interior's report.

Amend the title so as to read:

A bill to vest title to certain lands of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, in the United States, and to provide compensation therefor.

JUNE 21, 1949.

Hon. ROBERT S. KERR,
United States Senate, Washington, D. C.

MY DEAR SENATOR KERR: This letter is written at the request of Mr. A. A. Grorud, of your committee staff, and concerns my contract under which I represent the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., on all matters arising out of the construction of Garrison Dam and Reservoir.

My contract is dated December 6, 1945, approved January 25, 1946, No. I-1-Ind.-18331, amended by supplemental contract dated October 15, 1946, approved December 10, 1946, same contract number. As Mr. Grorud's questions to me of yesterday relate principally to my compensation, I am very happy to comply, and advise you as follows:

Under the contract as amended I am paid \$4,000 annually and, in addition, expenditures authorized by the tribal council covering expense of travel, per diem of \$6, and other authorized expenses are reimbursed to me. The contract runs for a period of 5 years from the date of approval of the original contract—that is to say, January 25, 1951.

The contract further provides: "In the event that the services of the attorney result in a disposition of, or completion of the work which he is to do before the end of the 5-year term of this contract, and in the event the Indians of Fort Berthold Reservation have been substantially benefited by the services of the attorney, then the attorney may apply to the tribal business council for additional compensation for services rendered, and such additional compensation shall not be in excess of \$25,000 for the term of this contract, and shall not be paid unless approved by the tribal business council and the Commissioner of Indian Affairs and the Secretary of the Interior."

I have not assigned my contract either in whole or in part and I am the only attorney who represents the Three Affiliated Tribes in relation to the Garrison project.

Mr. Grorud's further question relates to sections 3 and 4, article VI, of the contract, page 57, lines 9-23 of Senate Joint Resolution 11, now pending before your committee. Provision is there made as follows:

"SEC. 3. The right of the tribes and of the allottees and heirs of the allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625.

"SEC. 4. In all proceedings instituted in accordance with Section 3 of this Article, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them."

In the conference which drafted the contract, it was readily agreed that the right to reject the appraisal must be safeguarded. If rejected, the method of determining just compensation must be a judicial matter and as Congress cannot confer jurisdiction upon the State courts, the United States district court was agreed upon.

The question of indigent allottees arose from the tribal delegates and was, "How will the allottee who has no money pay for legal counsel to go into court and prove his case, that he is entitled to more money than the appraisal shows?" Representatives of the Bureau of Indian Affairs agreed to handle the cases of all such indigent allottees.

I took a great deal of interest in this paragraph. Without this, there might be many dissatisfied Indians who would agree to the appraisal because they were financially unable to contest the matter in the courts. Their individual rights must be protected. Whenever an indigent defendant makes his appeal, in the lowest to the highest of our courts, that he is unable to employ an attorney, an attorney is appointed by this court at the expense of the Federal or State government.

The provision, however, does not mention the indigent Indians alone, but includes any Indian who wishes to reject the amount set up for him by the appraisal. It further protects all dissatisfied allottees from high-percentage contingent contracts, which, to my knowledge, have been scandals in many cases.

Knowing the very deep interest of the Senators and Representatives of North Dakota, I am taking the liberty of sending each of them a copy of this letter. Also, a copy to the chairman of the Tribal Business Council of the Three Affiliated Tribes.

Very respectfully,

RALPH H. CASE.

Calendar No. 603

81ST CONGRESS
1ST SESSION

H. J. RES. 33

[Report No. 605]

IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Interior and Insular Affairs

JULY 1 (legislative day, JUNE 2), 1949

Reported by Mr. KERR, with amendments

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That, subject to the additional terms and conditions herein-
- 4 after set forth in sections 2 to 11, inclusive, which are made
- 5 a part of this ratification, the following contract by and
- 6 between the United States of America and the Three Affili-
- 7 ated Tribes of the Fort Berthold Reservation, North Dakota,
- 8 entered into on May 20, 1948, pursuant to the provisions
- 9 of the War Department Civil Appropriation Act, 1948

1 (Public Law 296, Eightieth Congress), is hereby ratified
2 by the Congress, to wit

3 **CONTRACT**

4 BY AND BETWEEN THE UNITED STATES AND
5 THE INDIANS OF THE FORT BERTHOLD
6 RESERVATION AS PROVIDED FOR BY PUB-
7 LIC LAW 296, EIGHTIETH CONGRESS, FIRST
8 SESSION

9 This contract, made and entered into this 20th day
10 of May, 1948, by and between the United States of America,
11 hereinafter called the "government", represented by the
12 Chief of Engineers, United States Army, and the Three
13 Affiliated Tribes of the Fort Berthold Reservation, North
14 Dakota, hereinafter called the "tribes", with the approval
15 of a majority of the adult members of said tribes, witnesseth
16 that:

17 Whereas, an item in the War Department's Civil Appro-
18 priations Act, 1948 (Public Law 296, Eightieth Congress,
19 approved July 31, 1947), appropriating funds for "Flood
20 Control, General", provides:

21 "Garrison (North Dakota) Reservoir: For acquisition
22 of the lands and rights therein within the taking line of
23 Garrison Reservoir which lands lie within the area now
24 established as the Fort Berthold Indian Reservation, North
25 Dakota, including all elements of value above or below the

1 surface thereof and including all improvements, severance
2 damages and reestablishment and relocation costs the sum
3 of \$5,105,625, which said sum is included in the total
4 allocated under this Act for the said Garrison Reservoir
5 and which shall be deposited in the Treasury of the United
6 States to the credit of the Three Affiliated Tribes of Fort
7 Berthold Reservation, to be subject to withdrawal and dis-
8 bursement as herein provided. This amount is made avail-
9 able subject to the following conditions subsequent and in
10 the event the said conditions are not complied with then
11 this amount shall lapse and be thereby null and void. Said
12 conditions subsequent are:

13 That a contract between the United States and the said
14 Three Affiliated Tribes shall be negotiated and approved
15 by a majority of the adult members of said tribes and enacted
16 into law by the Congress, providing for the conveyance of
17 said lands and interests and the use and distribution of said
18 fund and that disbursements from said fund shall be made
19 forthwith in accordance with said approved contract and
20 Act of Congress.

21 That said contract shall be submitted to the Congress
22 on or before the first day of June 1948: *Provided, however,*
23 That, notwithstanding said contract or the provisions of this
24 Act, the said Three Affiliated Tribes may bring suit in
25 the Court of Claims as provided in section 24 of the Act

1 of August 13, 1946, on account of additional damages, if
 2 any, alleged to have been sustained by said tribes by reason
 3 of the taking of the said lands and rights in the said Fort
 4 Berthold Indian Reservation on account of any treaty
 5 obligation of the Government or any intangible cost of
 6 reestablishment or relocation, for which the said tribes are
 7 not compensated by the said \$5,105,625."

8 Now, Therefore, the parties hereto do mutually agree
 9 as follows:

10 ARTICLE I

11 The tribes, notwithstanding this contract, reserve to
 12 themselves all their rights and privileges to pursue further
 13 their claims against the government by filing suit in the Court
 14 of Claims in accordance with Public Law 296 or by peti-
 15 tioning Congress for additional relief legislation, or both.—

16 ARTICLE II

17 The lands to be taken or acquired by the United States
 18 under this contract, to be hereinafter referred to as the
 19 "Taking Area", are described as follows:

20 PART A—WITHIN RESERVATION BOUNDARIES

21 Beginning at the Northwest corner of Section 6 Town-
 22 ship 150 North, Range 93 West of the 5th P. M.; thence
 23 East to the West sixteenth line; thence South to the East
 24 and West quarter line; thence East to center of said section;
 25 thence South to South quarter corner; thence East to the

1 *That, upon acceptance of the provisions of this Act by a*
2 *majority of the adult members of the Three Affiliated Tribes*
3 *of the Fort Berthold Reservation, all right, title, and interest*
4 *of the said tribes in and to the lands constituting the Taking*
5 *Area described in section 15 (including all elements of*
6 *value above or below the surface) shall vest in the United*
7 *States of America.*

8 *SEC. 2. The fund of \$5,105,625 appropriated by the*
9 *War Department Civil Appropriation Act, 1948 (Public*
10 *Law 296, Eightieth Congress), shall not lapse into the*
11 *Treasury as provided therein, but shall be available for*
12 *disbursement under the direction of the Commissioner of*
13 *Indian Affairs, Bureau of Indian Affairs, United States De-*
14 *partment of the Interior (hereinafter called the "Commis-*
15 *sioner") for the following purposes:*

16 *(a) Payment for tribal and allotted Indian lands*
17 *and improvements, including heirship interests, and*
18 *values above and below the surface, within the Taking*
19 *Area;*

20 *(b) Costs of relocating and reestablishing the mem-*
21 *bers of the tribes who reside within the Taking Area;*
22 *and*

23 *(c) Costs of relocating and reestablishing Indian*
24 *cemeteries, tribal monuments, and shrines within the*
25 *Taking Area.*

1 *Any unexpended balance remaining from the said fund of*
2 *\$5,105,625 after the completion of the purposes set forth*
3 *in subsections (a), (b), and (c) shall remain in the Treas-*
4 *ury to the credit of the tribes.*

5 *SEC. 3. To the extent that \$5,105,625 is insufficient to*
6 *accomplish the purposes set forth in subsections (a), (b),*
7 *and (c) of section 2, other funds appropriated for the con-*
8 *struction of the Garrison project shall be used to complete*
9 *the accomplishment of such purposes.*

10 *SEC. 4. There is hereby established a board of appraisal*
11 *which shall consist of one member designated by the Secre-*
12 *tary of Agriculture, one member designated by the Secre-*
13 *tary of the Interior, and one member designated by the*
14 *Chief of Engineers. It shall be the duty of the board to*
15 *prepare an appraisal schedule of the tribal and individual*
16 *allotted lands and improvements, including heirship interests,*
17 *located within the Taking Area. In the preparation thereof,*
18 *the board shall determine the fair value of the land and*
19 *improvements, giving full and proper weight to the follow-*
20 *ing elements of appraisal: Value of any tract of land,*
21 *whether full interest or partial interest, including value of*
22 *standing timber, mineral rights, and the uses to which the*
23 *lands are reasonably adapted. Upon completion of the said*
24 *schedule of appraisal it shall be submitted to the Chief of*
25 *Engineers.*

1 *SEC. 5. Upon receipt of such schedule of appraisal by*
2 *the Chief of Engineers, he shall transmit to the tribal council*
3 *the schedule of appraisal in its entirety and such portions*
4 *of the said schedule to individual Indians as relate to their*
5 *respective interests. The tribal council and the interested*
6 *individual Indians shall have ninety days from the date of*
7 *receipt of such schedule of appraisal in which to present to*
8 *the Commissioner their objections, if any, for consideration*
9 *and action thereon.*

10 *SEC. 6. The right of the tribes and of the allottees and*
11 *heirs of allottees to accept or reject the appraisal covering*
12 *their respective property is reserved to them. Upon the rejection*
13 *of the appraisal affecting the lands or the respective*
14 *interests, the Department of the Army shall institute proceedings*
15 *in the United States District Court for North*
16 *Dakota for the purpose of having the just compensation for*
17 *such property judicially determined. Any judgment entered*
18 *against the United States in such proceedings shall be charged*
19 *against the said fund of \$5,105,625.*

20 *SEC. 7. In all proceedings instituted in accordance with*
21 *section 6 of this Act, individual members of the tribes may*
22 *request the Commissioner of Indian Affairs to designate*
23 *attorneys of the Bureau of Indian Affairs to represent them.*

24 *SEC. 8. The amount determined to be due the individual*
25 *allottees and other individual Indians shall be deposited to*

1 the credit of such individual Indians in their individual Indian
2 money accounts.

3 *SEC. 9. The tribes and the members thereof may salvage,*
4 *remove, reuse, sell, or otherwise dispose of all or any part*
5 *of their improvements within the Taking Area without any*
6 *deduction therefor in the appraisal schedule to be prepared*
7 *by the Commissioner, subject to the condition that the dis-*
8 *trict engineer, Garrison district, may not enter for the pur-*
9 *pose of clearing the said improvements until at least October*
10 *1, 1952, and subject further to the condition that the district*
11 *engineer shall serve notice of such purpose at least three*
12 *months prior thereto.*

13 *SEC. 10. The tribes and the members thereof shall have*
14 *the privilege of cutting timber and all forest products and*
15 *removing sand and gravel, and may use, sell, or otherwise*
16 *dispose of the same until at least October 1, 1950, without*
17 *any deduction therefor in the appraisal schedule to be pre-*
18 *pared by the Commissioner, subject to the condition that*
19 *the said date may be adjusted to a later date by the Chief*
20 *of Engineers on the request of the Commissioner, and*
21 *subject to the further conditions that the district engineers,*
22 *Garrison district, shall serve notice of clearing at least three*
23 *months prior thereto.*

24 *SEC. 11. The tribes and the members thereof may re-*
25 *move, sell, or otherwise dispose of lignite until such date*

1 as the district engineer, Garrison district, fixes for the
2 impoundment of waters.

3 *SEC. 12. The district engineer, Garrison district, will*
4 *give notice at least six months in advance of the date on*
5 *or after which impoundment of waters may begin, and no*
6 *damage for loss of life or property due to impoundment of*
7 *waters on or after the date specified in said notice may be*
8 *claimed. The date established by such notification will not*
9 *be earlier than October 1, 1952.*

10 *SEC. 13. In addition to the \$5,105,625 appropriated by*
11 *the War Department Civil Appropriation Act, 1948 (Public*
12 *Law 296, Eightieth Congress), the further sum of \$4,000,-*
13 *000 shall, upon acceptance of the provisions of this Act by*
14 *the tribes, be placed to the credit of the tribes in the*
15 *Treasury of the United States, which sum shall be in full*
16 *satisfaction of (1) all claims, rights, and demands of said*
17 *tribes arising out of this Act and not compensated for out*
18 *of the said \$5,105,625, and the additional sums, if any,*
19 *specified in section 3; (2) and of all other rights, claims,*
20 *and demands of said tribes of any nature whatsoever existing*
21 *on the date of enactment of this Act, whether of tangible or*
22 *intangible nature and whether or not cognizable in law or*
23 *equity; (3) and of any and all claims, rights, or demands*
24 *arising out of the treaty with the United States of September*
25 *17, 1851 (11 Stat. 749), or any other treaty (including*

1 any unratified treaty) or agreement prior to the approval
2 and acceptance of this Act.

3 *SEC. 14. The fund of \$5,105,625, appropriated by the*
4 *War Department Civil Appropriation Act, 1948 (Public*
5 *Law 296, Eightieth Congress), and the fund provided for by*
6 *section 13 of this Act shall bear interest at 4 per centum*
7 *per annum from the date of acceptance of this Act until*
8 *disbursed. No part of either of such funds shall be used*
9 *for payment of the fees or expenses of any agent, attorney,*
10 *or other representative of any individual Indian tribe.*

11 *SEC. 15. The Taking Area is described as follows:*

12 *PART A—WITHIN RESERVATION BOUNDARIES*

13 *Beginning at the Northwest corner of Section 6, Town-*
14 *ship 150 North, Range 93 West of the 5th P. M.; thence*
15 *East to the West sixteenth line; thence South to the East*
16 *and West quarter line; thence East to center of said Section;*
17 *thence South to South quarter corner; thence East to the*
18 *West line of the East half of the Southwest quarter of the*
19 *Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence North to South*
20 *sixteenth line; thence East to East Section line; thence*
21 *South to Southeast corner of said Section 6; thence West*
22 *to West line of the East half of the East half of the North-*
23 *east quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to*
24 *East and West quarter line; thence East to the East line*
25 *of the West half of the Northwest quarter of the Southwest*

1 quarter of Section 8; thence South to South sixteenth line;
 2 thence East to the North and South quarter line; thence
 3 North to center of said Section; thence East to East Section
 4 line; thence South to South sixteenth line; thence West
 5 to the East sixteenth line; thence South to North sixteenth
 6 line of Section 17; thence East to the West sixteenth line
 7 of Section 16; thence North to North Section line; thence
 8 East to North quarter corner; thence South to center of
 9 said Section; thence East to East sixteenth line of Section
 10 15; thence South to South sixteenth line; thence West to
 11 North and South quarter line; thence South to North line
 12 of the South half of the Southeast quarter of the Southwest
 13 quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line;
 14 thence South to the South Section line; thence West to
 15 the Southwest corner of Section 15; thence South to North
 16 sixteenth line of Section 22; thence East to North and South
 17 quarter line; thence North to the North line of the South
 18 half of the Northwest quarter of the Northeast quarter
 19 ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence East to East sixteenth line; thence
 20 North to the North line of Section 22; thence East to West
 21 line of the East half of the Southeast quarter of the South-
 22 east quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to
 23 the South sixteenth line; thence East to West sixteenth line
 24 of Section 14; thence South to the South Section line;
 25 thence West to the Southwest corner of said Section 14;

1 thence South to the North sixteenth line of Section 23;
 2 thence East to the West sixteenth line; thence South to the
 3 South sixteenth line; thence East to the East sixteenth
 4 line; thence North to the North sixteenth line; thence East
 5 to the East Section line; thence North to the Northeast
 6 corner of Section 23; thence East to the East line of the
 7 West half of the East half of the Northwest quarter of
 8 Section 24; thence South to East and West quarter line;
 9 thence West to the East line of the West half of the West
 10 half of the Southwest quarter; thence South to South Section
 11 line; thence East to East sixteenth line; thence North to
 12 East and West quarter line; thence East to the East quarter
 13 corner of Section 24, Township 150 North, Range 93
 14 West of the 5th P. M.; thence East to West sixteenth line
 15 of Section 19, Township 150 North, Range 92 West of
 16 the 5th P. M.; thence South to North sixteenth line of
 17 Section 30; thence East to East line of Section 30; thence
 18 South to the North line of the South half of the Southwest
 19 quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section
 20 29; thence East to the West sixteenth line; thence North
 21 to the South line of the North half of the Northwest quarter
 22 of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West
 23 to the West Section line; thence North to South sixteenth
 24 line of Section 20; thence East to the West sixteenth line;
 25 thence South to South Section line; thence East to the

1 East sixteenth line; thence North to the East and West
 2 quarter line; thence East to the East quarter corner of
 3 Section 20; thence South to the West quarter corner of
 4 Section 28; thence East to center of said Section; thence
 5 South to South sixteenth line; thence East to the East
 6 Section line; thence South to the Southeast corner of Sec-
 7 tion 28; thence East to the East sixteenth line of Section
 8 34; thence South to the North sixteenth line; thence East
 9 to West sixteenth line of Section 35; thence North to the
 10 North Section line; thence East to the North quarter corner
 11 of Section 35; thence North to the center of Section 26;
 12 thence East to the East sixteenth line; thence North to
 13 South sixteenth line of Section 23; thence West to the
 14 North and South quarter line; thence North to the
 15 North sixteenth line; thence West to the West line of
 16 the East half of the Northwest quarter of the Northwest
 17 quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth
 18 line of Section 14; thence East to the North and South
 19 quarter line; thence South to South Section line; thence
 20 East to West sixteenth line of Section 13; thence North
 21 to South sixteenth line; thence East to North and South
 22 quarter line; thence South to South quarter corner;
 23 thence East to the East sixteenth line; thence North to
 24 South sixteenth line; thence East to East line of Section
 25 13, Township 150 North, Range 92 West of the 5th P. M.;

1 thence North to the West quarter corner of Section 18,
2 Township 150 North, Range 91 West; thence East to
3 the West sixteenth line; thence North to North sixteenth
4 line; thence East to East sixteenth line; thence North to
5 the North Section line; thence West to the North quarter
6 corner of Section 18; thence North to South sixteenth
7 line of Section 7; thence East to the East Section line;
8 thence North to the Northeast corner of Section 7; thence
9 West to South quarter corner of Section 6; thence North
10 to center of Section 6; thence West to West sixteenth line;
11 thence North to North line of Section 6; thence East along
12 Township line between Townships 150 & 151 North to
13 the Northwest corner of Section 1; thence South to West
14 quarter corner; thence East to West sixteenth line; thence
15 South to South sixteenth line; thence East to North and
16 South quarter line; thence South to South Section line;
17 thence East to Southeast corner of Section 1, Township
18 150 North, Range 91 West of 5th P. M.; thence South
19 to the North line of the South half of Lot 2 of Section 7,
20 Township 150 North, Range 90 West of the 5th P. M.;
21 thence East to the West line of the East 20 acres of Lot 2;
22 thence South to the East and West quarter line; thence
23 West to the West quarter corner; thence South to the
24 Southwest corner of Section 7; thence East to the West
25 line of the East 20 acres of Lot 1 of Section 18; thence

1 South to South line of said Section 18; thence East to
 2 the West sixteenth line of Section 19; thence South to
 3 North sixteenth line; thence West to West Section line;
 4 thence South to Southwest corner; thence East to the
 5 South quarter corner; thence North to center of Section;
 6 thence East to East quarter corner; thence South to North
 7 sixteenth line of Section 29; Thence East to North and
 8 South quarter line; Thence South to center of Section;
 9 thence West to West quarter corner of Section 29; thence
 10 South to South sixteenth line of Section 30; thence West
 11 to West sixteenth line; thence South to the South line
 12 of Section 31, Township 150 North, Range 90 West of
 13 the 5th P. M.; thence South along the West sixteenth
 14 line of Section 6, Township 149 North, Range 90 West
 15 of the 5th P. M. to the South line of said Section 6;
 16 thence East to North quarter corner of Section 7; thence
 17 South to South sixteenth line; thence East to the West
 18 sixteenth line of Section 8; thence North to East and
 19 West quarter line; thence West to West line of the East
 20 half of the Southwest quarter of the Northwest quarter
 21 ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the
 22 Southeast quarter of the Northwest quarter of the North-
 23 west quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East
 24 line of the Southwest quarter of the Northeast quarter of
 25 the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to

1 North sixteenth line; thence East to the West line of
 2 the East half of the Northwest quarter of the Northeast
 3 quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Sec-
 4 tion line; thence East to the Northeast corner of Section 8;
 5 thence North to South sixteenth line of Section 4; thence
 6 East to West sixteenth line; thence North to East and
 7 West quarter line; thence East to center of Section; thence
 8 South to South sixteenth line; thence East to East sixteenth
 9 line; thence South to North sixteenth line of Section 9;
 10 thence East to East line of Section 9; thence South to
 11 South sixteenth line of Section 10; thence East to West
 12 sixteenth line; thence North to North Section line; thence
 13 East to East sixteenth line; thence South to East and
 14 West quarter line; thence East to East quarter corner of
 15 Section 10; thence South to South sixteenth line of Section
 16 11; thence East to West sixteenth line of Section 11;
 17 thence South to South Section line; thence East to East
 18 sixteenth line; thence North to East and West quarter
 19 line; thence East to East quarter corner of Section 11;
 20 thence South to South sixteenth line of Section 12; thence
 21 East to East Section line; thence South to North sixteenth
 22 line of Section 13; thence West to the East line of the
 23 West half of the Southeast quarter of the Northeast quarter
 24 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter
 25 line; thence West to the East sixteenth line; thence South

1 to South line of Section 13; thence East to the East line
 2 of the West half of the Northeast quarter of the Northeast
 3 quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to
 4 the North sixteenth line; thence West to the West sixteenth
 5 line; thence North to the North Section line; thence West
 6 to the Northwest corner of Section 24; thence South to
 7 the North sixteenth line of Section 23; thence West to
 8 North and South quarter line; thence North to the North
 9 line of the South half of the North half of the Northwest
 10 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South
 11 quarter line of Section 22; thence South to center of
 12 Section; thence West to the East line of the West
 13 half of the Southeast quarter of the Northwest quarter
 14 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 15 thence West to East sixteenth line of Section 21; thence
 16 South to East and West quarter line; thence West to
 17 the East line of the West half of the West half of the
 18 Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South
 19 Section line; thence East to Southeast corner of Section
 20 21; thence South to North sixteenth line of Section 27;
 21 thence East to West sixteenth line; thence South to East
 22 and West quarter line; thence East to center of Section;
 23 thence South to South sixteenth line; thence West to
 24 North and South quarter line of Section 28; thence North

1 to center of Section; thence West to West sixteenth line;
 2 thence South to South sixteenth line; thence West to West
 3 Section line; thence South to West quarter corner of Sec-
 4 tion 33; thence East to West sixteenth line; thence South
 5 to South line of Section 33, Township 149 North, Range
 6 90 West of the 5th P. M.; thence East along North line
 7 of Section 1, Township 148 North, Range 91 West of the
 8 5th P. M. to the Northeast corner; thence South to South
 9 sixteenth line; thence West to East sixteenth line; thence
 10 South to East and West quarter line of Section 12; thence
 11 West to center of Section; thence South to South Section
 12 line; thence West to East sixteenth line of Section 14;
 13 thence South to East and West quarter line; thence West
 14 to East line of the West half of the Northwest quarter
 15 of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to
 16 South sixteenth line; thence West to North and South
 17 quarter line; thence South to South quarter corner; thence
 18 East to Southeast corner of Section 14; thence South to
 19 North sixteenth line of Section 24; thence East to West
 20 sixteenth line; thence South to East and West quarter line;
 21 thence East to East sixteenth line; thence North to North
 22 Section line; thence East to Northeast corner of Section
 23 24, Township 148 North, Range 91 West of the 5th P. M.;
 24 thence South to West quarter corner of Section 19, Town-
 25 ship 148 North, Range 90 West of the 5th P. M.; thence

1 East to center of Section; thence South to South sixteenth
 2 line; thence East to East line of Section 19; thence North
 3 to North sixteenth line of Section 20; thence East to North
 4 and South quarter line; thence South to South sixteenth
 5 line; thence East to East sixteenth line; thence South to
 6 South Section line; thence East to the East line of the
 7 West half of the Northwest quarter of the Northwest quarter
 8 ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North
 9 sixteenth line; thence East to the North and South quarter
 10 line; thence North to the South sixteenth line of Section
 11 21; thence East to West line of the East half of the North-
 12 west quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 13 thence North to North sixteenth line; thence East to the
 14 East sixteenth line; thence South to East and West quarter
 15 line; thence East to the East quarter corner; thence South
 16 to the North sixteenth line of Section 27; thence East to
 17 the West sixteenth line; thence South to East and West
 18 quarter line; thence East to East quarter corner; thence
 19 North to North sixteenth line; thence West to East sixteenth
 20 line; thence North to North section line; thence East to
 21 West sixteenth line of Section 26; thence South to East
 22 and West quarter line; thence East to East line of the
 23 West half of the East half of the Southwest quarter
 24 ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence
 25 East to Southeast corner of Section 26; thence North to

1 the West quarter corner of Section 25; thence East to West
 2 sixteenth line; thence South to South sixteenth line; thence
 3 East to East sixteenth line; thence South to South Section
 4 line; thence East to Southeast corner of Section 25, Town-
 5 ship 148 North, Range 90 West of the 5th P. M.; thence
 6 North to South sixteenth line of Section 30, Township
 7 148 North, Range 89 West of the 5th P. M.; thence East
 8 to West sixteenth line; thence South to North sixteenth
 9 line of Section 31; thence West to West Section line;
 10 thence South to Southwest corner; thence East to West
 11 sixteenth line; thence North to East and West quarter line;
 12 thence East to East sixteenth line; thence North to North
 13 sixteenth line; thence East to the East line of Section 31;
 14 thence South to South sixteenth line of Section 32; thence
 15 East to North and South quarter line; thence South to South
 16 quarter corner; thence East to East sixteenth line; thence
 17 North to South sixteenth line; thence East to East Sec-
 18 tion line; thence South to Southeast corner of Section 32,
 19 Township 148 North, Range 89 West of the 5th P. M.;
 20 thence West to the West line of the East half of Lot 1
 21 of Section 5, Township 147 North, Range 89 West of
 22 the 5th P. M.; thence South to East and West quarter
 23 line; thence East to West sixteenth line of Section 4:
 24 thence North to North sixteenth line; thence East to East
 25 line of Section 4; thence South to South sixteenth line of

1 Section 3; thence East to West sixteenth line; thence South
 2 to South line of Section 3; thence East to the East line of the
 3 West half of the Northwest quarter of the Northeast quarter
 4 of Section 10; thence South to North sixteenth line; thence
 5 East to the East sixteenth line; thence South to the East
 6 and West quarter line; thence East to East quarter corner
 7 of Section 10; thence South to South sixteenth line of
 8 Section 11; thence East to North and South quarter line of
 9 Section 12; thence North to North sixteenth line; thence
 10 West to West Section line; thence North to Northwest
 11 corner of Section 12; thence East to West sixteenth line
 12 of Section 1; thence North to South sixteenth line; thence
 13 West to West section line; thence North to North line
 14 of the South half of the Southwest quarter of the Northwest
 15 quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth
 16 line; thence South to East and West quarter line; thence
 17 East to center of Section; thence South to South quarter
 18 corner; thence East to Southeast corner of Section 1, Town-
 19 ship 147 North, Range 89 West of the 5th P. M.; thence
 20 South to the North line of the South half of Lot 1 of
 21 Section 7, Township 147 North, Range 88 West of the
 22 5th P. M.; thence East to the West sixteenth line; thence
 23 North to the North line of Section 7; thence East to the
 24 South quarter corner of Section 6; thence North to the
 25 North line of the South half of the Southwest quarter of

1 the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) ; thence East to the
 2 East sixteenth line; thence South to the South line of the
 3 North half of the Northwest quarter of the Northeast quarter
 4 ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and
 5 South quarter line; thence South to the North line of the
 6 South half of the North half of the Southeast quarter
 7 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$) ; thence East to the East Section line; thence
 8 North to the East quarter corner of Section 7; thence East
 9 to the West line of the East half of the Southwest quarter
 10 of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8;
 11 thence North to the North sixteenth line; thence East to
 12 the North and South quarter line; thence North to the
 13 North quarter corner; thence East to the Northeast corner;
 14 thence South to the South line of the North half of the
 15 Northeast quarter of the Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) ;
 16 thence West to East sixteenth line; thence South to the
 17 South line of the North half of the Southwest quarter of
 18 the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$) ; thence West to
 19 North and South quarter line; thence South to center of
 20 Section; thence West to the East line of the West half of
 21 the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$) ;
 22 thence South to the South line of Section 8; thence West
 23 to West sixteenth line of Section 17; thence South to the
 24 North line of the South half of the Northeast quarter
 25 of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$) ; thence East to

1 East sixteenth line; thence North to North line of Section
 2 17; thence East to West line of the East half of the South-
 3 east quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Sec-
 4 tion 8; thence North to South sixteenth line; thence East
 5 to East line of Section 8; thence South to North line of
 6 the South half of the South half of the Southwest quarter
 7 ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South
 8 quarter line; thence South to South quarter corner of Sec-
 9 tion 9; thence West to West sixteenth line of Section 16;
 10 thence South to North line of the South half of the North-
 11 west quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$);
 12 thence West to West Section line; thence South to North
 13 line of the South half of the Southwest quarter of the
 14 Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West
 15 sixteenth line; thence South to East and West quarter line;
 16 thence East to center of Section: thence South to South
 17 sixteenth line; thence West to West sixteenth line; thence
 18 South to South Section line; thence East to Southeast corner
 19 of Section 16; thence North to South sixteenth line of
 20 Section 15; thence East to East sixteenth line; thence North
 21 to North Section line; thence East to Northeast corner
 22 of Section 15; thence South to North sixteenth line of
 23 Section 14; thence East to North and South quarter line;
 24 thence South to center of Section; thence East to East
 25 quarter corner of Section 14; thence North to North line

1 of the South half of the North half of the Northwest
 2 quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North
 3 and South quarter line; thence South to North sixteenth
 4 line; thence East to East sixteenth line; thence North to
 5 North line of the South half of the Northeast quarter of
 6 the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East
 7 line of Section 13, Township 147 North, Range 88 West
 8 of the 5th P. M.; thence North to West quarter corner
 9 of Section 7, Township 147 North, Range 87 West of the
 10 5th P. M.; thence East to center of Section; thence North
 11 to North quarter corner; thence East to East sixteenth line;
 12 thence South to East and West quarter line; thence East
 13 to East quarter corner of Section 7; thence North to North
 14 line of the South half of the Southwest quarter of the North-
 15 west quarter of Section 8; thence East to West sixteenth
 16 line; thence North to North sixteenth line; thence East to
 17 West line of the East half of the Northeast quarter of
 18 the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to
 19 North Section line; thence East to East line of the West
 20 half of the Northwest quarter of the Northeast quarter
 21 ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line;
 22 thence West to North and South quarter line; thence South
 23 to center of Section; thence West to East line of the West
 24 half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$);
 25 thence South to South Section line; thence East to East

1 sixteenth line; thence North to North line of the South
 2 half of the Southeast quarter of the Northeast quarter
 3 ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence
 4 South to Southeast corner of Section 8; thence East to South
 5 quarter corner of Section 9; thence North to North line of
 6 the South half of the North half of the Southeast quarter
 7 ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9;
 8 thence South to South sixteenth line of Section 10; thence
 9 East to the East line of the Northwest quarter of the South-
 10 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 11 thence South to the North line of the Southeast
 12 quarter of the Southeast quarter of the Southwest quarter
 13 ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 14 North to South sixteenth line; thence East to the East line
 15 of the West half of the Southwest quarter of the Southwest
 16 quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to
 17 the South line of the Northwest quarter of the Northwest
 18 quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of
 19 Section 14; thence West to the East line of the Southwest
 20 quarter of the Northeast quarter of the Northeast quarter
 21 ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East
 22 and West quarter line; thence East to East quarter corner
 23 of Section 15; thence South to the North line of the South
 24 half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$)
 25 of Section 14; thence East to North and South quarter line;

1 thence South to the North line of the South half of the
 2 South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence
 3 East to the East line of Section 14; thence North to the
 4 South sixteenth line of Section 13; thence East to the West
 5 line of the East half of the Northwest quarter of the South-
 6 west quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 7 West quarter line; thence East to an intersection with the
 8 East boundary of the Fort Berthold Indian Reservation,
 9 as surveyed, at a point 2,321 feet West of the East
 10 quarter corner of Section 13, Township 147 North, Range 87
 11 West of the 5th P. M.; thence South 25° West along said
 12 Reservation Boundary Line, as surveyed, to the low water
 13 line of the right bank of the Missouri River; thence up-
 14 stream along said low water line of the right bank of the
 15 Missouri River to a point 1,663 feet North and 1,305 feet
 16 West of the East quarter corner of Section 1, Township 146
 17 North, Range 88 West of the 5th P. M., said point being
 18 on the East boundary of the Ft. Berthold Indian Reserva-
 19 tion, as surveyed; thence South $53^{\circ} 09'$ West along said
 20 Reservation Boundary, as surveyed, to the East line of
 21 Section 16; thence North to the South sixteenth line of
 22 Section 10; thence East to West sixteenth line; thence North
 23 to East and West quarter line; thence West to West quarter
 24 corner of Section 10; thence North to North sixteenth line
 25 of Section 9; thence West to North and South quarter line;

1 thence South to center of Section; thence West to West
 2 quarter corner; thence North to Northeast corner of Section
 3 8; thence West to East sixteenth line of Section 8; thence
 4 South to South line of Section; thence East to Southeast
 5 corner of Section 8; thence South to North sixteenth line
 6 of Section 16; thence East to West sixteenth line; thence
 7 South to East and West quarter line; thence East to center
 8 of Section; thence South on North and South quarter line
 9 to the Ft. Berthold Indian Reservation Boundary Line;
 10 thence South $53^{\circ} 09'$ West along said Boundary line to
 11 the Southeast corner of Section 17; thence West to the East
 12 sixteenth line of Section 18; thence North to the North line
 13 of Section 18; thence West to the West sixteenth line of
 14 Section 7; thence North to South sixteenth line; thence
 15 East to North and South quarter line; thence North to
 16 center of Section; thence West to West sixteenth line;
 17 thence North to North sixteenth line; thence West to the
 18 West line of Section 7, Township 146 North, Range 88
 19 West of the 5th P. M.; thence West on North sixteenth
 20 line of Section 12, Township 146 North, Range 89 West
 21 of the 5th P. M. to the North and South quarter line; thence
 22 South to South sixteenth line; thence East to West line of
 23 the East half of the Southwest quarter of the Southeast
 24 quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section
 25 line; thence West to East line of the West half of the South-

1 east quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) ;
 2 thence North to South sixteenth line; thence West to West
 3 sixteenth line; thence North to East and West quarter line;
 4 thence West to center of Section 11; thence South to North
 5 line of the South half of the North half of the Southwest
 6 quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$) ; thence West to West Section line;
 7 thence North to West quarter corner of Section 11; thence
 8 West to East sixteenth line of Section 10; thence North
 9 to North sixteenth line; thence East to East Section line;
 10 thence North to Northeast corner of Section 10; thence
 11 East to South quarter corner of Section 2; thence North to
 12 center of Section; thence West to West sixteenth line; thence
 13 North to North sixteenth line; thence East to East section
 14 line; thence North to Northeast corner of Section 2; thence
 15 East to West sixteenth line of Section 1; thence South to
 16 North sixteenth line; thence East to North and South quarter
 17 line; thence South to the South line of the North half of the
 18 South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$) ; thence
 19 East to East line of Section 1, Township 146 North, Range
 20 89 West of the 5th P. M.; thence North to the South six-
 21 teenth line of Section 36, Township 147 North, Range 89
 22 West of the 5th P. M.; thence West to East sixteenth line;
 23 thence North to East and West quarter line; thence West
 24 to West quarter corner of Section 36; thence North to North
 25 sixteenth line of Section 35; thence West to West sixteenth

1 line; thence North to North Section line; thence West to
 2 Southeast corner of Section 28; thence North to East quarter
 3 corner; thence West to the West line of the East half of the
 4 Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$);
 5 thence South to South sixteenth line; thence West to East
 6 line of the West half of the Northeast quarter of the South-
 7 west quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and
 8 West quarter line; thence West to West quarter corner of
 9 Section 28; thence North to North sixteenth line of Section
 10 29; thence West to East sixteenth line; thence South to
 11 East and West quarter line; thence West to center of Section;
 12 thence North to North sixteenth line; thence West to West
 13 sixteenth line; thence North to North line of Section 29;
 14 thence East to South quarter corner of Section 20; thence
 15 North to center of Section; thence West to West sixteenth
 16 line; thence South to South sixteenth line; thence West to
 17 the West line of the East half of the Northwest quarter of
 18 the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence
 19 North to East and West quarter line; thence West to center
 20 of Section; thence South to South sixteenth line; thence
 21 West to the East line of the West half of the Southeast
 22 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 23 South to South Section line; thence West to the Southwest
 24 corner of Section 19, Township 147 North, Range 89 West
 25 of the 5th P. M.; thence West to North quarter corner of

1 Section 25, Township 147 North, Range 90 West of the
 2 5th P. M.; thence South to North Sixteenth line; thence
 3 East to East Section line; thence South to East quarter cor-
 4 ner; thence West to the East line of the West half of the East
 5 half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to
 6 South Section line; thence West to South quarter corner of
 7 Section 26; thence North to South sixteenth line; thence
 8 West to the West Section line; thence South to Southwest
 9 corner of Section 26; thence West to South quarter corner of
 10 Section 27; thence North to center of Section; thence East
 11 to East quarter corner of Section 27; thence North to North
 12 sixteenth line of Section 26; thence East to North and South
 13 quarter line; thence North to center of Section 23; thence
 14 West to West sixteenth line; thence North to North six-
 15 teenth line; thence East to East sixteenth line; thence North
 16 to North line of Section 23; thence East to Southeast corner
 17 of Section 14; thence North to East quarter corner; thence
 18 West to East sixteenth line; thence North to North sixteenth
 19 line; thence West to North and South quarter line; thence
 20 South to center of Section; thence West to West quarter
 21 corner of Section 14; thence North to North sixteenth line
 22 of Section 15; thence West to East sixteenth line; thence
 23 South to East and West quarter line; thence West to center
 24 of Section; thence North to North sixteenth line; thence
 25 West to West line of Section 15; thence South to South

1 sixteenth line of Section 16; thence West to East sixteenth
 2 line; thence South to South Section line; thence West to
 3 South quarter corner; thence North to North quarter corner;
 4 thence West to West sixteenth line; thence South to East
 5 and West quarter line; thence West to West quarter corner
 6 of Section 16; thence South to North sixteenth line of Sec-
 7 tion 20; thence West to East sixteenth line; thence North
 8 to North Section line; thence West to North quarter corner;
 9 thence South to North sixteenth line; thence West to West
 10 sixteenth line; thence North to East and West quarter line
 11 of Section 17; thence West to West quarter corner of said
 12 Section 17; thence North to North line of the South half
 13 of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of
 14 Section 18; thence West to North and South quarter line;
 15 thence North to North quarter corner; thence East to North-
 16 east corner of Section 18; thence North to South sixteenth
 17 line of Section 7; thence West to North and South quarter
 18 line; thence North to center of Section; thence West to
 19 West line of the East 20 acres of Lot 5; thence South to
 20 South section line; thence West to Southwest corner of
 21 Section 7, Township 147 North, Range 90 West of the
 22 5th P. M.; thence West along South line of Section 12,
 23 Township 147 North, Range 91 West of the 5th P. M.
 24 to the West line of the East half of the Southeast quarter
 25 of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to

1 South sixteenth line; thence East to North and South quarter
 2 line; thence North to center of Section; thence West to the
 3 East line of the West half of the Northwest quarter of the
 4 Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South
 5 sixteenth line; thence West to the West line of the East
 6 half of the Northwest quarter of the Southeast quarter
 7 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and
 8 West quarter line; thence East to East sixteenth line; thence
 9 North to North sixteenth line; thence East to East Section
 10 line; thence North to Northeast corner of Section 11; thence
 11 West to the West line of the East half of the Southeast
 12 quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section
 13 2; thence North to South sixteenth line; thence West to
 14 East sixteenth line; thence North to East and West quarter
 15 line; thence West to East sixteenth line of Section 3; thence
 16 North to North sixteenth line; thence West to North and
 17 South quarter line; thence North to North quarter corner;
 18 thence West to Northwest corner; thence South to West
 19 quarter corner; thence East to West sixteenth line; thence
 20 South to South sixteenth line of said Section; thence West
 21 to North and South quarter line of Section 4; thence North
 22 to North sixteenth line; thence West to West Section line;
 23 thence South to West quarter corner of Section 4; thence
 24 West to center of Section 5; thence South to South sixteenth
 25 line; thence West to West sixteenth line; thence North to

1 North sixteenth line; thence West to West line of Section 5;
 2 thence South to East quarter corner of Section 6; thence
 3 West to East sixteenth line; thence North to North line of
 4 said Section 6, Township 147 North, Range 91 West of the
 5 5th P. M.; thence North on East sixteenth line of Section
 6 31, Township 148 North, Range 91 West of the 5th P. M.
 7 to East and West quarter line; thence West to West quarter
 8 corner; thence South to South sixteenth line; thence East
 9 to West sixteenth line; thence South to South line of Sec-
 10 tion 31, Township 148 North, Range 91 West of the 5th
 11 P. M.; thence East to North quarter corner of Section 6,
 12 Township 147 North, Range 91 West of the 5th P. M.;
 13 thence South to North sixteenth line; thence West to West
 14 section line; thence South to West quarter corner; thence
 15 East to the West line of the East 20 acres of Lot 6; thence
 16 South to South line of Section 6; thence East to West
 17 sixteenth line of Section 7; thence South to East and
 18 West quarter line; thence East to center of Section;
 19 thence South to South quarter corner; thence West to South-
 20 west corner of Section 7, Township 147 North, Range 91
 21 West of the 5th P. M.; thence West on North line of Sec-
 22 tion 13, Township 147 North, Range 92 West of the 5th
 23 P. M. to the East sixteenth line; thence South to East and
 24 West quarter line; thence West to West quarter corner;

1 thence North to North West corner of Section 13; thence
 2 East to West sixteenth line of Section 12; thence North to
 3 North Section line; thence West to Southeast corner of
 4 Section 3; thence North to East quarter corner; thence West
 5 to the West line of the East half of the Southwest quarter
 6 of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to
 7 North sixteenth line; thence West to the East line of the
 8 West half of the Southeast quarter of the Northwest quarter
 9 ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter
 10 line; thence West to West sixteenth line; thence South to
 11 South sixteenth line; thence West to East sixteenth line of
 12 Section 4; thence North to North sixteenth line; thence
 13 West to East line of the West half of the Southeast quarter
 14 of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South
 15 to South sixteenth line; thence West to West sixteenth line;
 16 thence South to South Section line; thence East to South
 17 quarter corner of Section 4; thence South to North sixteenth
 18 line of Section 9; thence West to West sixteenth line; thence
 19 South to North line of the South half of the Northeast
 20 quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence
 21 East to North and South quarter line; thence South to South
 22 quarter corner of Section 9; thence West to West sixteenth
 23 line of Section 16; thence South to East and West quarter
 24 line; thence West to the West line of the East half of the
 25 Southeast quarter of the Northeast quarter of Section 17;

1 thence North to North line of said Section 17; thence West
 2 to East sixteenth line of Section 8; thence North to South
 3 sixteenth line; thence West to West line of the East half
 4 of the Northwest quarter of the Southeast quarter
 5 ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter
 6 line; thence West to center of Section; thence South to
 7 South sixteenth line of Section 17; thence East to East
 8 sixteenth line; thence South to North line of the South half
 9 of the Southeast quarter of the Southeast quarter
 10 ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence
 11 South to Southeast corner; thence West to South quarter
 12 corner of Section 17; thence South to North sixteenth line
 13 of Section 20; thence East to East sixteenth line; thence
 14 South to East and West quarter line; thence West to center
 15 of Section; thence South to South quarter corner of Section
 16 20; thence East to East line of the West half of the North-
 17 west quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of
 18 Section 29; thence South to South line of the Northwest
 19 quarter of the Southwest quarter of the Northeast quarter
 20 ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter
 21 line; thence South to South sixteenth line; thence East to
 22 East line of the West half of the Southwest quarter of the
 23 Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South
 24 Section line; thence East to the Southeast corner of Section
 25 29; thence South to West quarter corner of Section 33;

1 thence East to West sixteenth line; thence South to South
 2 sixteenth line; thence East to North and South quarter line;
 3 thence North to center of Section; thence East to the East
 4 line of the West half of the West half of the Southeast
 5 quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section
 6 33, Township 147 North, Range 92 West of the 5th P. M.;
 7 thence East to Northwest corner of Section 3, Township
 8 146 North, Range 92 West of the 5th P. M.; thence South
 9 to North line of the South half of the South half of the
 10 North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line;
 11 thence South to East quarter corner of said Section 3; thence
 12 East to West sixteenth line of Section 2; thence South to
 13 South sixteenth line; thence East to West line of the East
 14 half of the Southeast quarter of the Southwest quarter
 15 ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the South-
 16 west quarter of the Northeast quarter of the Northwest
 17 quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to
 18 West Section line; thence North to South line of the North
 19 half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of
 20 Section 3; thence West to West line of said Section 3;
 21 thence North to South sixteenth line of Section 4; thence
 22 West to North and South quarter line; thence North to center
 23 of Section; thence West to West sixteenth line; thence South
 24 to South sixteenth line; thence West to West Section line;
 25 thence South to Southwest corner of Section 4; thence West

1 to West line of the East half of the Southwest quarter of
 2 the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section 5; thence
 3 North to South sixteenth line; thence East to West line of
 4 the East half of the Northeast quarter of the Southeast
 5 quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 6 quarter line; thence East to East quarter corner; thence
 7 North to North sixteenth line; thence West to East six-
 8 teenth line; thence North to North Section line; thence
 9 West to Northwest corner of Section 5, Township 146
 10 North, Range 92 West of the 5th P. M.; thence North to
 11 the South line of the North half of the South half of the
 12 Southeast quarter ($N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$) of Section 31, Township
 13 147 North, Range 92 West of the 5th P. M.; thence West
 14 to North and South quarter line; thence South to South
 15 quarter corner; thence West to Southwest corner of Section;
 16 thence North on the West line of said Section 31, Township
 17 147 North, Range 92 West of the 5th P. M. to an inter-
 18 section with the low water line of the Little Missouri River
 19 at the left or North bank of said stream; thence upstream in
 20 a Northwesterly direction with said low water line of the
 21 left bank, a distance of approximately 23 miles to an inter-
 22 section with the North and South quarter line of Section 34,
 23 Township 148 North, Range 95 West of the 5th P. M.;
 24 thence North along said quarter line to the North quarter
 25 corner of said section; thence East to Northeast corner of

1 Section 34; thence South to North sixteenth line of Section
 2 35; thence East to North and South quarter line; thence
 3 South to center of Section; thence East to East quarter
 4 corner; thence South to Southeast corner of Section 35,
 5 Township 148 North, Range 95 West of the 5th P. M.;
 6 thence East to North quarter corner of Section 1, Township
 7 147 North, Range 95 West of the 5th P. M.; thence South
 8 to center of Section; thence East to East quarter corner of
 9 and Section 1, Township 147 North, Range 95 West of the
 10 5th P. M.; thence East to West sixteenth line of Section 5,
 11 Township 147 North, Range 94 West of the 5th P. M.;
 12 thence South to South sixteenth line; thence East to East
 13 sixteenth line; thence South to South Section line; thence
 14 East to Southeast corner of Section 5; thence South to North
 15 sixteenth line of Section 17; thence West to East sixteenth
 16 line; thence South to South Section line; thence East to
 17 Southeast corner of said Section 17; thence South to West
 18 quarter corner of Section 21; thence East to center of Sec-
 19 tion; thence North to North sixteenth line; thence East to
 20 East sixteenth line; thence North to North Section line of
 21 Section 21; thence East to South quarter corner of Section
 22 14; thence North to South line of the North half of the
 23 Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$);
 24 thence West to West sixteenth line; thence North to North
 25 line of the South half of the Southeast quarter of the North-

1 west quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$) ; thence East to North and
 2 South quarter line; thence South to center of Section; thence
 3 East to East sixteenth line of Section 13; thence South to
 4 South sixteenth line; thence East to East section line; thence
 5 South to Southeast corner of said Section 13, Township
 6 147 North, Range 94 West of the 5th P. M.; thence East
 7 to South quarter corner of Section 18, Township 147 North,
 8 Range 93 West of the 5th P. M.; thence North to South
 9 sixteenth line; thence East to East line of the West half of the
 10 Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) ;
 11 thence South to South Section line; thence East to South-
 12 east corner of said Section 18; thence South to South six-
 13 teenth line of Section 20; thence East to East Section line;
 14 thence South to the North line of the South half of the North
 15 half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28;
 16 thence East to North and South quarter line; thence South
 17 to North sixteenth line; thence East to the East line of the
 18 West half of the Southeast quarter of the Northeast quarter
 19 ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) ; thence South to East and West quarter
 20 line; thence East to West sixteenth line of Section 27; thence
 21 North to North Section line; thence East to North quarter
 22 corner; thence South to center of Section; thence East to
 23 East sixteenth line; thence South to South sixteenth line;
 24 thence East to North and South quarter line of Section 26;
 25 thence North to center of Section; thence East to East six-

1 teenth line; thence North to North sixteenth line; thence
2 East to East line of said Section 26; thence South to South
3 sixteenth line of Section 25; thence East to East line of
4 said Section 25, Township 147 North, Range 93 West of
5 the 5th P. M.; thence East along the South sixteenth line
6 of Section 30, Township 147 North, Range 92 West of the
7 5th P. M. to the North and South quarter line; thence
8 North to center of Section 19; thence East to East sixteenth
9 line; thence North to North Section line; thence West to
10 Northwest corner of said Section 19, Township 147 North,
11 Range 92 West of the 5th P. M.; thence West to South
12 quarter corner of Section 13, Township 147 North, Range
13 93 West of the 5th P. M.; thence North to center of Sec-
14 tion; thence East to East quarter corner of said Section 13,
15 Township 147 North, Range 93 West of the 5th P. M.;
16 thence North to North sixteenth line of Section 7, Township
17 147 North, Range 92 West of 5th P. M.; thence East to
18 West sixteenth line; thence North to South sixteenth line of
19 Section 6; thence East to East sixteenth line; thence North
20 to East and West quarter line; thence West to West line of
21 said Section 6, Township 147 North, Range 92 West of
22 the 5th P. M.; thence South to South sixteenth line of
23 Section 1, Township 147 North, Range 93 West of
24 the 5th P. M.; thence West to North and South quarter
25 line; thence South to South quarter corner; thence West

1 to West sixteenth line; thence North to South sixteenth line;
 2 thence West to West line of said Section 1; thence North
 3 to South line of the North half of the Northeast quarter
 4 of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence
 5 West to East sixteenth line; thence North to North line
 6 of the South half of the Southeast quarter of the Northeast
 7 quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line;
 8 thence North to Northeast corner of said Section 2, Town-
 9 ship 147 North, Range 93 West of the 5th P. M.; thence
 10 West to South quarter corner of Section 35, Township 148
 11 North, Range 93 West of the 5th P. M.; thence North
 12 to South sixteenth line; thence West to West Section line;
 13 thence North to West quarter corner of said Section 35;
 14 thence West to center of Section 34; thence North to North
 15 quarter corner; thence East to North quarter corner of Sec-
 16 tion 35; thence South to center of Section; thence East to
 17 West sixteenth line of Section 36; thence South to South
 18 Section line; thence East to Southeast corner of said Section
 19 36, Township 148 North, Range 93 West of the 5th P. M.;
 20 thence North to the North line of the South half of the
 21 South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Sec-
 22 tion 31, Township 148 North, Range 92 West of the 5th
 23 P. M.; thence East to North and South quarter line; thence
 24 South to South quarter corner; thence East to South quarter
 25 corner of Section 32; thence North to South sixteenth

1 line; thence West to East sixteenth line of Section 31;
 2 thence North to East and West quarter line; thence
 3 East to East quarter corner of said Section 31; thence
 4 North to North line of the South half of the North
 5 half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Sec-
 6 tion line; thence North to South line of the North half
 7 of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence
 8 West to East sixteenth line of Section 31; thence North
 9 to North Section line; thence West to Northwest corner
 10 of said Section 31, Township 148 North, Range 92
 11 West of the 5th P. M.; thence North to South sixteenth
 12 line of Section 25, Township 14 North, Range 93 West
 13 of the 5th P. M.; thence West to East sixteenth line;
 14 thence North to East and West quarter line; thence West
 15 to center of Section; thence North to North quarter corner
 16 of said Section 25; thence West to West sixteenth line of
 17 Section 24, thence North to North line of the South half
 18 of the Northeast quarter of the Southwest quarter
 19 ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence
 20 South to South Section line; thence East to Southeast
 21 corner of said Section 24, Township 148 North, Range 93
 22 West of the 5th P. M.; thence South to the North line of
 23 the South half of Lot 2, Section 30, Township 148
 24 North, Range 92 West of the 5th P. M.; thence East
 25 to North and South quarter line; thence South to center

1 of Section; thence East to East quarter corner; thence
 2 North to Northeast corner of said Section 30; thence
 3 East to East line of the West half of the East half of the
 4 Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence
 5 South to East and West quarter line; thence East to East
 6 sixteenth line of Section 28; thence South to South sixteenth
 7 line; thence East to West sixteenth line of Section 27;
 8 thence North to East and West quarter line; thence West
 9 to West quarter corner; thence North to Northwest corner
 10 of said Section 2; thence West to East sixteenth line of Sec-
 11 tion 21; thence North to East and West quarter line; thence
 12 East to West sixteenth line of Section 22; thence South to
 13 South sixteenth line; thence East to East line of the West
 14 half of the Southeast quarter of the Southwest quarter
 15 ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line;
 16 thence East to South quarter corner of said Section 22;
 17 thence South to North line of the South half of the
 18 North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Sec-
 19 tion 27; thence East to East line of said Section 27;
 20 thence South to North sixteenth line of Section 26; thence
 21 East to West line of the East half of the Southeast quarter
 22 of the Northwest quarter; thence South to South six-
 23 teenth line; thence West to the West sixteenth line;
 24 thence South to South Section line; thence East to East
 25 sixteenth line; thence North to South sixteenth line;

1 thence East to East Section line; thence North to North-
 2 east corner of said Section 26; thence East to Northeast
 3 corner of Section 25; thence North to South sixteenth line
 4 of Section 24; thence West to East sixteenth line; thence
 5 North to North Section line; thence East to Northeast
 6 corner of said Section 24, Township 148 North, Range 92
 7 West of the 5th P. M.; thence South to North sixteenth
 8 line of Section 19, Township 148 North, Range 91 West
 9 of the 5th P. M.; thence East to West sixteenth line; thence
 10 South to East and West quarter line; thence East to center
 11 of Section; thence South to South sixteenth line; thence
 12 East to the East Section line; thence South to the
 13 Southeast corner of said Section 19; thence East to
 14 South quarter corner of Section 20; thence North to
 15 North sixteenth line; thence West to West sixteenth
 16 line; thence North to South sixteenth line of Sec-
 17 tion 17; thence West to West Section line; thence
 18 North to North sixteenth line; thence East to West sixteenth
 19 line; thence North to North line of said Section 17;
 20 thence West to the West line of the East half of the
 21 West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Sec-
 22 tion 8; thence North to East and West quarter line;
 23 thence East to center of Section; thence North to South
 24 line of the North half of the Southeast quarter of the North-
 25 west quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West

1 sixteenth line; thence North to North sixteenth line; thence
 2 West to West Section line; thence North to Northwest
 3 corner of said Section 8; thence West to South quarter corner
 4 of Section 6; thence North to South sixteenth line; thence
 5 West to West sixteenth line; thence North to East and
 6 West quarter line; thence East to East quarter corner of
 7 said Section 6; thence South to South sixteenth line of
 8 Section 5; thence East to North and South quarter line;
 9 thence North to North sixteenth line; thence West to West
 10 sixteenth line; thence North to North line of said Section
 11 5, Township 148 North, Range 91 West of the 5th P. M.;
 12 thence East to East sixteenth line of Section 34, Town-
 13 ship 149 North, Range 91 West of the 5th P. M.; thence
 14 North to South sixteenth line; thence West to West line
 15 of the East half of the Northwest quarter of the Southeast
 16 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 17 quarter line; thence East to East quarter corner of said Sec-
 18 tion 34; thence South to South sixteenth line of Section 35;
 19 thence East to East line of the West half of the Southeast
 20 quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence
 21 South to South Section line; thence East to South quarter
 22 corner; thence North to North sixteenth line; thence West
 23 to West sixteenth line; thence North to North Section
 24 line; thence East to North quarter corner of said Sec-
 25 tion 35; thence North to center of Section 26; thence

1 East to East sixteenth line; thence North to North
 2 Section line; thence West to North quarter corner of
 3 said Section 26; thence North to South sixteenth line
 4 of Section 23; thence West to West line of the East
 5 half of the Northeast quarter of the Southwest quarter
 6 ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter
 7 line; thence West to West sixteenth line; thence North
 8 to North sixteenth line; thence West to West Section line;
 9 thence North to Northwest corner of said Section 23; thence
 10 West to East sixteenth line of Section 15; thence
 11 North to East and West quarter line; thence West
 12 to West line of the East half of the West half of
 13 the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to
 14 North Section line; thence West to North quarter
 15 corner of said Section 15; thence North to center of Section
 16 10; thence West to West sixteenth line; thence North to
 17 North sixteenth line; thence West to East sixteenth line
 18 of Section 9; thence North to South sixteenth line of
 19 Section 4; thence West to West sixteenth line; thence North
 20 to North Section line; thence West to Northwest corner of
 21 said Section 4, Township 149 North, Range 91 West of
 22 the 5th P. M.; thence North to East quarter corner of Sec-
 23 tion 32, Township 150 North, Range 91 West of the 5th
 24 P. M.; thence West to West quarter corner; thence South
 25 to Southwest corner of said Section 32, Township 150

1 North, Range 91 West of the 5th P. M.; thence West
 2 to East sixteenth line of Section 6, Township 149 North,
 3 Range 91 West of the 5th P. M.; thence South to
 4 North sixteenth line; thence West to West sixteenth
 5 line; thence South to East and West quarter line; thence
 6 West to West Section line; thence South to North line of
 7 the South half of Lot 6 of said section; thence East to West
 8 sixteenth line; thence South to South sixteenth line; thence
 9 East to East line of the West half of the Southeast quarter
 10 of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to
 11 South Section line; thence West to Southwest corner of
 12 said Section 6, Township 149 North, Range 91 West of
 13 the 5th P. M.; thence West to East sixteenth line of Sec-
 14 tion 1, Township 149 North, Range 92 West of the 5th
 15 P. M.; thence North to South sixteenth line; thence West
 16 to the East line of the Northwest quarter of the Southeast
 17 quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence
 18 South to South line of the Northwest quarter of the South-
 19 east quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$);
 20 thence West to West Section line; thence South to South-
 21 west corner of said Section 1; thence West to West
 22 sixteenth line of Section 11; thence South to North
 23 line of the South half of the Northeast quarter of the
 24 Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the
 25 East line of the Southwest quarter of the Northwest

1 quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$);
 2 thence South to North sixteenth line; thence East to
 3 East sixteenth line; thence South to North line of the
 4 Southwest quarter of the Southeast quarter of the North-
 5 east quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line
 6 of the Southwest quarter of the Southeast quarter of
 7 the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South
 8 to East and West quarter line; thence East to East
 9 quarter corner; thence South to Southeast corner of
 10 said Section; thence West to East sixteenth line;
 11 thence North to South sixteenth line; thence West to
 12 North and South quarter line of Section 11; thence South
 13 to North sixteenth line of Section 14; thence West to
 14 East line of the West half of the Southwest quarter
 15 of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South
 16 to East and West quarter line; thence West to West quarter
 17 corner; thence South to Southwest corner of said Section
 18 14; thence West to East sixteenth line of Section 15; thence
 19 North to East and West quarter line; thence West to the
 20 West line of the East half of the Southeast quarter of the
 21 Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence
 22 North to the North line of the Southeast quarter of the
 23 Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$);
 24 thence East to East Section line; thence North to
 25 Northeast corner of said Section 16; thence East to

1 the South quarter corner of Section 10; thence North
 2 to South sixteenth line; thence East to East sixteenth
 3 line; thence North to North line of said Section 10;
 4 thence West to East line of the West half of the
 5 Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$)
 6 of Section 3; thence North to South sixteenth line;
 7 thence West to West Section line; thence North to West
 8 quarter corner of said Section 3; thence West to center of
 9 Section 4; thence South to South quarter corner; thence
 10 West to West sixteenth line; thence North to South line
 11 of the North half of the Northwest quarter of the South-
 12 west quarter ($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence West to West line
 13 of said Section 4; thence North to South line of the North
 14 half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$)
 15 of Section 5; thence West to North and South quarter
 16 line; thence North to North quarter corner; thence West
 17 to Northwest corner of said Section 5; thence South
 18 to North sixteenth line of Section 6; thence West to
 19 West sixteenth line; thence North to North line of said
 20 Section 6, Township 149 North, Range 92 West of
 21 the 5th P. M.; thence East to the West line of the
 22 East half of the Southeast quarter of the Southwest
 23 quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 31, Township 150
 24 North, Range 92 West of the 5th P. M.; thence North

1 to South sixteenth line; thence West to West Section
 2 line; thence South to Southwest corner of said Section
 3 31, Township 150 North, Range 92 West of the 5th
 4 P. M.; thence West to East sixteenth line of Section
 5 36, Township 150 North, Range 93 West of the
 6 5th P. M.; thence North to East and West quarter
 7 line; thence West to center of Section; thence South
 8 to South quarter corner of said Section 36, Town-
 9 ship 150 North, Range 93 West of the 5th P. M.;
 10 thence West to the East line of the West half of the East half
 11 of the Northwest quarter of Section 1, Township 149
 12 North, Range 93 West of the 5th P. M.; thence South
 13 to East and West quarter line; thence West to West
 14 line of the East half of the Southwest quarter of the
 15 Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to
 16 North sixteenth line; thence East to West sixteenth
 17 line; thence North to North line of said Section 1, Town-
 18 ship 149 North, Range 93 West of the 5th P. M.; thence
 19 West to Southeast corner of Section 35, Township 150
 20 North, Range 93 West of the 5th P. M.; thence North
 21 to South sixteenth line; thence West to East sixteenth line;
 22 thence South to South Section line; thence West to West
 23 sixteenth line; thence North to South sixteenth line; thence
 24 East to North and South quarter line; thence North to
 25 North sixteenth line; thence West to West sixteenth line;

1 thence South to East and West quarter line of Section 35;
 2 thence West to West line of the East half of the East half
 3 of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34;
 4 thence North to North Section line; thence West to
 5 North quarter corner; thence South to North sixteenth
 6 line; thence West to East sixteenth line of Section 33;
 7 thence North to North Section line; thence East to
 8 Northeast corner of said Section 33; thence North to
 9 East quarter corner of Section 28; thence West to West
 10 sixteenth line; thence North to North sixteenth line; thence
 11 West to East sixteenth line of Section 29; thence South
 12 to East and West quarter line; thence West to East line
 13 of the West half of the West half of the Southeast quarter
 14 ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Sec-
 15 tion 29; thence West to West sixteenth line of Section 32;
 16 thence South to North sixteenth line; thence West to
 17 West Section line; thence South to West quarter corner
 18 of said Section 32; thence West to East sixteenth line
 19 of Section 31; thence North to North Section line;
 20 thence East to Northeast corner of said Section 31;
 21 thence North to West quarter corner of Section 29;
 22 thence East to West sixteenth line; thence North to
 23 East and West quarter line of Section 20; thence West
 24 to West quarter corner of said Section 20; thence North
 25 to North sixteenth line of Section 19; thence West to

1 West line of said Section 19, Township 150 North,
 2 Range 93 West of the 5th P. M.; thence South to
 3 East quarter corner of Section 24, Township 150 North,
 4 Range 94 West of the 5th P. M.; thence West to West line
 5 of the East half of the Southwest quarter of the Northeast
 6 quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth
 7 line; thence East to East sixteenth line; thence North to
 8 North line of said Section 24; thence West to Southeast
 9 corner of Section 14; thence North to South sixteenth line;
 10 thence West to West line of said Section 14; thence South
 11 to Southeast corner of Section 15; thence West to South-
 12 west corner of said Section 15; thence North to South
 13 sixteenth line of Section 16; thence West to North
 14 and South quarter line; thence North to North sixteenth
 15 line; thence East to North and South quarter line of
 16 Section 15; thence South to center of Section; thence
 17 East to East quarter corner of said Section 15; thence
 18 North to Northwest corner of Section 14; thence East to
 19 North quarter corner of Section 13; thence South to North
 20 sixteenth line; thence East to East Section line; thence North
 21 to Northeast corner of said Section 13; thence West to East
 22 sixteenth line of Section 12; thence North to South sixteenth
 23 line; thence West to North and South quarter line; thence
 24 North to center of Section; thence West to West line of the
 25 East half of the Southeast quarter of the Northwest quarter

1 ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line;
 2 thence West to West line of Section 12; thence North
 3 to North sixteenth line of Section 2; thence West to
 4 East sixteenth line; thence North to North line of said
 5 Section 2, Township 150 North, Range 94 West of
 6 the 5th P. M.; thence North on East sixteenth line of
 7 Section 35, Township 151 North, Range 94 West of
 8 the 5th P. M. to the East and West quarter line; thence
 9 East to East quarter corner; thence North to North
 10 sixteenth line; thence West to East sixteenth line; thence
 11 North to South sixteenth line of Section 26; thence West
 12 to North and South quarter line; thence North to center of
 13 Section; thence East to East quarter corner of said Section
 14 26; thence North to Southwest corner of Section 24; thence
 15 East to West sixteenth line; thence North to South
 16 sixteenth line of Section 13; thence West to West Sec-
 17 tion line; thence South to Southwest corner of said
 18 Section 13; thence West to East sixteenth line of Sec-
 19 tion 14; thence North to East and West quarter line;
 20 thence West to West line of the East half of the West
 21 half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence
 22 North to North line of said Section 14; thence East to East
 23 sixteenth line of Section 11; thence North to South
 24 sixteenth line; thence West to West Section line; thence
 25 South to Southwest corner of said Section 11; thence

1 West to East sixteenth line of Section 10; thence
 2 North to East and West quarter line; thence East to
 3 East quarter corner; thence North to Northeast corner
 4 of said Section 10; thence West to South quarter corner of
 5 Section 3; thence North to North line of the South half
 6 of the Northwest quarter of the Southeast quarter
 7 ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the South-
 8 west quarter of the Northeast quarter of the Southeast
 9 quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth
 10 line of Section 3; thence East to West sixteenth line of
 11 Section 2; thence South to South Section line; thence East
 12 to South quarter corner of said Section 2; thence South on
 13 North and South quarter line of Section 11 to North
 14 sixteenth line; thence East to East sixteenth line; thence
 15 North to North Section line; thence East to Northeast corner
 16 of said Section 11; thence South to North sixteenth line of
 17 Section 12; thence East to North and South quarter line;
 18 thence North to North sixteenth line of Section 1; thence
 19 West to West sixteenth line; thence North to North
 20 line of Section 1, Township 151 North, Range 94 West
 21 of the 5th P. M.; thence North on the West sixteenth
 22 line of Section 36, Township 152 North, Range 94
 23 West of the 5th P. M. to the South sixteenth line; thence

1 East to North and South quarter line; thence North to North
 2 quarter corner; thence East to Northeast corner of said Sec-
 3 tion 36, Township 152 North, Range 94 West of the 5th
 4 P. M.; thence East to the South quarter corner of
 5 Section 30, Township 152 North, Range 93 West of
 6 the 5th P. M.; thence North to South sixteenth line;
 7 thence East to the East Section line; thence North to
 8 Northeast corner of said Section 30; thence East to
 9 South quarter corner of Section 20; thence North to
 10 South sixteenth line; thence East to West line of the
 11 East half of the Northwest quarter of the Southeast
 12 quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West
 13 quarter line; thence East to East quarter corner; thence
 14 North to West quarter corner of Section 16; thence
 15 East to West sixteenth line; thence South to South
 16 sixteenth line; thence East to East sixteenth line; thence
 17 South to South Section line; thence East to Southeast
 18 corner of said Section 16; thence North to Southeast
 19 corner of Section 9; thence West to South quarter cor-
 20 ner; thence North 2,441.3 feet along the North and
 21 South quarter line to the North boundary of the Ft.
 22 Berthold Indian Reservation line as surveyed; thence
 23 East with said Reservation line approximately two (2)

1 miles to the low water line of the Missouri River at the left
 2 bank of said stream; thence downstream with said low water
 3 line approximately seven (7) miles to the East and West
 4 quarter line of Section 7, Township 151 North, Range 93
 5 West of the 5th P. M.; thence East to center of Section;
 6 thence South to South quarter corner of said Section 7;
 7 thence West to the West sixteenth line of Section 18; thence
 8 South to South Section line; thence East to South quarter
 9 corner of said Section 18; thence South to North sixteenth
 10 line of Section 30; thence West to West sixteenth line;
 11 thence South to South sixteenth line; thence West to the
 12 West Section line; thence South to the Southwest corner
 13 of Section 31, Township 151 North, Range 93 West of
 14 the 5th P.M., being the same point as the point of begin-
 15 ning; also Lot 2, Southeast quarter of the Northeast
 16 quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), South-
 17 east quarter of the Southwest quarter of the Southeast
 18 quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion
 19 of Lot 5 of Section 13 bounded on the North by the
 20 North Section line, on the East by the Ft. Berthold
 21 Indian Reservation Line, on the South by a line 660 feet
 22 South and parallel to the North Section Line and on the
 23 West by a line 660 feet East and parallel to the North
 24 and South quarter line of said Section 13, Township 147

- 1 North, Range 87 West of the 5th P.M., containing in
 2 the aggregate, less water surface, 175,716.44 acres, more
 3 or less, EXCEPTING therefrom the following described
 4 lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N	92 W	5	Lot 1	40.10
147 N	91 W	2	Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$	158.20
147 N	92 W	4	Lots 3, 4 & 5	71.60
		5	Lots 1, 2, 3	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
147 N	94 W	14	W $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11	102.45
		23	Lots 5, 6, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N	91 W	17	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		33	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
148 N	92 W	32	Lots 4 & 5	66.03
149 N	91 W	11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
150 N	91 W	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00

McKENZIE COUNTY

152 N	93 W	15	SW $\frac{1}{4}$	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions	62.91
		29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	308.88
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions	324.54
		33	Lot 2, plus accretions	18.91
152 N	94 W	36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

147 N	87 W	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.28
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions	111.42
		23	Lots 3 & 4 less erosions	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N	88 W	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ E $\frac{1}{2}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		36	Lots 1, 2 & 3	53.00
147 N	89 W	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		6	Lot 4	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N	90 W	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N	89 W	30	Lot 4	35.14
148 N	90 W	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00

McLEAN COUNTY—Continued

Township	Range	Section	Description	Acres
148 N	90 W	25	$S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$	160.00
		26	$W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$	120.00
		27	$SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	240.00
		28	$SE\frac{1}{4}NE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
		29	$NW\frac{1}{4}NE\frac{1}{4}, SW\frac{1}{4}, SE\frac{1}{4}$	360.00
		30	Lots 3 & 4, $E\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}$	311.47
		31	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}$	311.81
		32	$SW\frac{1}{4}$	160.00
		33	$SW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$	280.00
		34	$SE\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$	160.00
		35	$N\frac{1}{2}NE\frac{1}{4}$	80.00
		36	$W\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}$	200.00
		1	$SW\frac{1}{4}SE\frac{1}{4}, SW\frac{1}{4}, Lot 4, SW\frac{1}{4}NW\frac{1}{4}$	268.44
		2	Lots 1 & 2, $SE\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	377.35
148 N	91 W	12	$NW\frac{1}{4}NW\frac{1}{4}$	40.00
		23	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		24	$SE\frac{1}{4}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$	120.00
		25	$NE\frac{1}{4}, SE\frac{1}{4}, SW\frac{1}{4}$	480.00
148 N	91 W	26	Lots 4 & 5 plus accretions	74.88
		36	$NE\frac{1}{4}$	160.00
149 N	90 W	8	$SE\frac{1}{4}E\frac{1}{2}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}$	280.00
		10	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		12	$S\frac{1}{2}SE\frac{1}{2}$	160.00
		13	$N\frac{1}{2}N\frac{1}{2}, W\frac{1}{2}SE\frac{1}{4}$	240.00
		14	$NE\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}$	280.00
		15	$NE\frac{1}{4}$	160.00
		16	$NW\frac{1}{4}NE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}$	160.00
		17	$NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$	122.50
		18	Lots 1 & 2, $E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	278.87
		19	$NE\frac{1}{4}$	160.00
		20	$W\frac{1}{2}NW\frac{1}{4}$	80.00
		21	$S\frac{1}{2}SW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}$	120.00
		22	$N\frac{1}{2}NW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$	100.00
		23	$N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$	40.00
		24	$NE\frac{1}{4}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	100.00
		27	$NW\frac{1}{4}SW\frac{1}{4}$	40.00
		28	$NW\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		29	$SE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$	240.00
		31	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		32	$S\frac{1}{2}$	320.00
		33	$W\frac{1}{2}SW\frac{1}{4}$	80.00
		13	Lot 1	45.78
149 N	91 W	1	$W\frac{1}{2}SW\frac{1}{4}$	80.00
150 N	91 W	2	Lot 4, $SW\frac{1}{4}NW\frac{1}{4}, SE\frac{1}{4}$	239.36
		4	Lots 1 & 2 and $S\frac{1}{2}NE\frac{1}{4}$	158.44
		6	Lots 1 & 2, $S\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}$	319.21
		9	$SE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}NE\frac{1}{4}, 1 \text{ acre in the extreme SE corner of } NE\frac{1}{4}SW\frac{1}{4}$	201.00
		10	$NE\frac{1}{4}, Lots 1, 2, 3 \text{ and } SW\frac{1}{4}SW\frac{1}{4}$	259.60
		11	$NE\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$	120.00
		12	$W\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}$	560.00
		13	$NW\frac{1}{4}, NE\frac{1}{4}, SE\frac{1}{4}$	480.00
		14	Lots 1, 2, 3, $SW\frac{1}{4}NW\frac{1}{4}, SW\frac{1}{4}$	259.00
		15	Lots 1, 2, 3, $S\frac{1}{2}N\frac{1}{2}, N\frac{1}{2}S\frac{1}{2}$	397.30
		16	$S\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, also the following described tract; Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
		17	$NE\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$	42.50
		18	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	$N\frac{1}{2}NW\frac{1}{4}$	80.00
		24	Lot 1, $SW\frac{1}{4}NW\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, $NE\frac{1}{4}SW\frac{1}{4}$	288.29
		8	$W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	240.00
		9	$NW\frac{1}{4}$	160.00
146 N	89 W	2	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		11	$N\frac{1}{4}, N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$	360.00
147 N	89 W	18	$SE\frac{1}{4}SW\frac{1}{4}$	40.00
		19	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		27	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		28	$S\frac{1}{2}NE\frac{1}{4}, NW\frac{1}{4}$	240.00
		29	$SW\frac{1}{4}NE\frac{1}{4}$	40.00
		25	$E\frac{1}{2}NW\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

150 N	92 W	20	$NE\frac{1}{4}SE\frac{1}{4}$	40.00
		23	$NW\frac{1}{4}SE\frac{1}{4}$	40.00
		26	$W\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$	160.00
		28	$S\frac{1}{2}SE\frac{1}{4}$	80.00
		29	$E\frac{1}{2}$	320.00
		33	$SE\frac{1}{4}NE\frac{1}{4}$	40.00
		34	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}NE\frac{1}{4}$	120.00
		35	$N\frac{1}{2}SE\frac{1}{4}$	80.00
		36	$S\frac{1}{2}SE\frac{1}{2}$	160.00
		14	$SW\frac{1}{4}SW\frac{1}{4}$	40.00
150 N	93 W	15	$N\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SE\frac{1}{4}$	120.00
		16	Lot 1 and $SE\frac{1}{4}SW\frac{1}{4}$ plus accretions	79.97
		17	$NE\frac{1}{4}NW\frac{1}{4}$	40.00
		22	$N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$	40.00
		23	$SW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}$	160.00
		25	Lots 1, 2, 3, $NE\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}$ plus accretions	178.26
		26	$N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$	20.00

1 said exceptions, as tabulated above, containing 20,804.83
2 acres, more or less.

3 Total area of lands held by the Three Affiliated Tribes
4 within the Reservation Boundaries and within the Taking
5 Line of the Garrison Reservoir is 154,911.61 acres, more or
6 less.

7 PART B—RURAL AREAS

MOUNTRAIL COUNTY

151 N.....	92 W.....	24	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
151 N.....	93 W.....	6	Lot 5.....	32.11
		7	Lot 2.....	10.69
		8	NW $\frac{1}{4}$	160.00
152 N.....	93 W.....	22	Lot 3.....	29.24
		23	Lots 1 & 2.....	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$	98.12
Total.....				543.89

8 PART C—IN TOWNSITES OF VAN HOOK AND SANISH, 9 NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9.....	All.	28 to 29.....	All.
10.....	3, 5 to 16.	30.....	9 to 16.
15.....	6, 15, 16.	31.....	All.
16.....	9, 10, 16.	33 to 36.....	All.
17.....	8, 9, 10, 12 to 15.	37.....	5 to 16.
18.....	All.	38 to 40.....	All.
19.....	2 to 9.	41.....	1, 2, 9 to 16.
20 to 26.....	All.	42.....	All.
27.....	1 to 8.		

SANISH

1 to 14.....	All.	49.....	1, 4 to 12.
15.....	1 to 17, 19, 20.	50.....	7 to 12.
16 & 17.....	All.	51 & 52.....	All.
18.....	1 to 6, 9, 10, 12.	53.....	1 to 6, 9 to 12.
19 & 20.....	All.	54.....	8, 9, 10, 12.
21.....	1 to 9.	55.....	7, 8.
22.....	1 to 6, 10.	56.....	10, 11, 12.
23 & 24.....	All.	57.....	10, 11.
25.....	1, 2, 3.	58.....	9 to 12.
26.....	1 to 6, 8, 11, 12.	59.....	5, 6.
27.....	1, 2, 9, 11.	60.....	1 to 6.
28.....	2, 11, 12.	61.....	1, 2, 3, 9 to 20.
29 & 30.....	All.	62.....	1 to 5, 8.
32.....	1 to 6, 11.	65.....	3 to 6.
33.....	1 to 6.	66.....	1 to 4, 6.
34.....	2 to 8, 12 to 20.	67.....	1 to 15.
35 & 36.....	All.	68.....	1 to 6, 8 to 12.
37.....	1 to 7, 10 to 12.	69.....	5, 6, 7.
39.....	1 to 6, 12.	70.....	1, 2, 4.
40.....	All.	71 & 72.....	All.
41.....	1 to 14, 19, 20.	73.....	3, 7 to 12.
42.....	2, 4, 8.	74.....	All.
44.....	2 to 7.	75.....	1, 2, 7 to 10.
46.....	1 to 3, 9, 10, 12.	76 to 81.....	All.
47.....	2 to 6, 9.	82.....	1, 2, 3.
48.....	1 to 6, 8 to 12.	84.....	3.

1 PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH
2 AND VAN HOOK, NORTH DAKOTA

VAN HOOK	
Block	Lots
32.....	All.
SANISH	
31.....	All.
42.....	6, 7.
43.....	All.

3 Part E, all rights in coal heretofore reserved to the
4 Tribes in the following described lands:

DUNN COUNTY				
Township	Range	Section	Description	Acres
146 N.....	92 W.....	5	Lot 1.....	40.10
147 N.....	92 W.....	4	Lots 3, 4 & 5.....	71.60
		5	Lots 1, 2 & 3.....	75.62
		32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
147 N.....	94 W.....	22	Lots 7, 8, 9 & 11.....	102.45
		23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N.....	92 W.....	32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$	146.03
149 N.....	91 W.....	14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

McKENZIE COUNTY				
152 N.....	93 W.....	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148.88
152 N.....	94 W.....	36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY				
Township	Range	Section	Description	Acres
147 N.....	87 W.....	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
147 N.....	88 W.....	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N.....	90 W.....	21	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
149 N.....	90 W.....	12	S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
150 N.....	91 W.....	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00

MERCER COUNTY				
146 N.....	88 W.....	4	Lots 1 & 2.....	85.90
147 N.....	9 W.....	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00

MOUNTRAIL COUNTY				
150 N.....	93 W.....	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
			Grand total.....	2,881.33

1 Together with all rights in coal reserved to the Tribes in
2 patents issued for other lands within the Garrison Reservoir.

3 ARTICLE III

4 Section 1. The fund of \$5,105,625 shall be subject to
5 disbursement under the direction of the Commissioner of
6 Indian Affairs, Bureau of Indian Affairs, United States
7 Department of the Interior, hereinafter called the "Com-
8 missioner", for the following purposes:

9 (a) Payment for tribal and allotted Indian lands
10 and improvements, including heirship interests, and
11 values above and below the surface, to be taken for
12 the Garrison Project;

13 (b) Costs of relocating and re-establishing the
14 members of the tribes who reside within the Taking
15 Area of the Garrison Project; and

16 (c) Costs of relocating and re-establishing Indian
17 cemeteries, tribal monuments, and shrines within the
18 Taking Area of the Garrison Project.

19 Section 2. The cost of relocating and re-establishing
20 government owned buildings, facilities, roads and bridges
21 will be paid from appropriations made or to be made for
22 the construction of Garrison Reservoir, and funds for these
23 purposes may, in the discretion of the Chief of Engineers,
24 be transferred to the Commissioner for expenditure.

Section 2: No portion of the said fund of \$5,105,655 shall be expended by any agency of the government for any expense or cost incurred by it in carrying out the terms of this contract.

5 Section 4. Any unexpended balance remaining from
6 the said fund of ~~\$5,105,625~~ after the completion of the
7 purposes set forth in subsections (a), (b), and (c) of
8 Section 1 of this Article shall remain to the credit of the
9 tribes.

Section 5: Lands and improvements belonging to any church, mission, missionary society or to any person not a member of the tribes are excluded from this contract and no part of the fund dealt with in this Article shall be used to pay for the same.

15 ~~ARTICLE IV~~

Section 1. The Commissioner shall have prepared an appraisal schedule on an individual tract basis of the tribal and allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, he shall determine the fair market value of the land and improvements, giving full and proper weight to the following elements of appraisal: damage suffered by partial taking of any tract of land, value of standing timber,

1 mineral rights, and the uses to which the lands are reason-
2 ably adapted. He shall also have the said schedule of
3 appraisals submitted to the Chief of Engineers for approval.

4 Section 2. Upon approval by the Chief of Engineers,
5 the Commissioner shall transmit to the Council the schedule
6 of appraisal in its entirety and such portions of the said
7 schedule to individual Indians as relate to their respective
8 interests. The Council and the interested individual Indians
9 will have ninety days from the date of transmittal in which
10 to present to the Commissioner their objections, if any, for
11 consideration and action thereon.

12 Section 3. The right of the tribes and of the allottees
13 and heirs of allottees to accept or reject the appraisal cover-
14 ing their respective property is reserved to them. Upon
15 the rejection of the appraisal affecting the lands or the
16 respective interests, the Department of the Army shall insti-
17 tute proceedings in the United States District Court for
18 North Dakota for the purpose of having the just compen-
19 sation for such property judicially determined. Any judg-
20 ment entered against the United States in such proceedings
21 shall be charged against the said fund of \$5,105,625.

22 Section 4. In all proceedings instituted in accordance
23 with Section 3 of this Article, individual members of the

1 tribes may request the Commissioner of Indian Affairs to
2 designate attorneys of the Bureau of Indian Affairs to
3 represent them.

4 ARTICLE V

5 Section 1. The administrative responsibility for the
6 removal, relocation and re-establishment of the members of
7 the tribes shall be vested in the Commissioner. The Com-
8 missioner shall prepare a plan of removal, together with
9 the estimates of cost, and submit the same to the Chief
10 of Engineers. Upon approval by the Chief of Engineers,
11 the plan and estimates shall be transmitted to the Council
12 and on approval by it the Commissioner shall carry out such
13 plan. The plan shall include but shall not be restricted to
14 the cost of transporting to their new locations members of
15 the tribes, their household goods, farming equipment, live-
16 stock and other property, the cost of constructing fences
17 and of developing domestic and livestock water supplies on
18 the residual reservation as it may be extended, and the cost
19 of dismantling, transporting, and re-erecting salvageable
20 buildings and improvements.

21 Section 2. The Chief of Engineers shall promptly submit
22 to the Commissioner a schedule showing the approximate
23 time of clearing the right-of-way of the Garrison Project
24 within the Taking Area of the Fort Berthold Reservation.
25 Thereafter the Chief of Engineers and the Commissioner

1 shall at least annually review the schedule of removal to
 2 decide upon any changes proposed by either party. The
 3 Chief of Engineers shall, however, have final authority to
 4 determine any necessary changes required to be made in
 5 the schedule. The schedule shall provide for systematic and
 6 orderly clearing of the right-of-way by succession of segments.

7 ARTICLE VI

8 Section 1. The Commissioner shall prepare a plan, to-
 9 gether with cost estimates, for the relocation and re-estab-
 10 lishment of tribal monuments, shrines and other tribal
 11 facilities, and for the disinterment and reinterment of all
 12 bodies within the Taking Area, designated by the Council,
 13 allottees, heirs, and churches, and submit the same to the
 14 Chief of Engineers. Upon approval of the plan and cost
 15 estimates by the Chief of Engineers the Commissioner shall
 16 transmit the same to the Council and upon approval by it,
 17 the Commissioner shall carry out such plan.

18 Section 2. New sites for the re-establishment of monu-
 19 ments, shrines, private burials, and cemeteries shall be ac-
 20 quired out of the proceeds from the taking of present sites
 21 within the Taking Area. Titles to the new sites shall be
 22 of like character as exist for the sites acquired by the United
 23 States within the Taking Area.

24 Section 3. Responsibility for carrying out the plan pro-

1 vided for in Section 4 of this Article shall be undertaken;
 2 insofar as practicable, by the interested churches, heirs,
 3 allottees, Council, or keepers of a particular shrine. The
 4 removal plan shall provide for the employment of Indians
 5 and for tribal and religious ceremonies. The Commissioner,
 6 however, is authorized and directed to assume any respon-
 7 sibility not assumed by any other interested party or parties.

8 ARTICLE VII

9 The amount determined to be due the tribes for tribal
 10 lands and interests under the terms and conditions of this
 11 contract shall be held in trust by the United States for said
 12 tribes and may be used to acquire such other lands or other
 13 tribal property, or for such other purposes, as may be
 14 determined by the Council with the approval of the Com-
 15 missioner. All lands thus acquired shall be held by the
 16 United States in trust for the benefit of the tribes as other
 17 tribal lands and shall be inalienable and non-taxable until
 18 otherwise provided by Congress, notwithstanding any other
 19 restrictions on the purchase of land under any other law.

20 ARTICLE VIII

21 Section 4. The amount determined to be due the indi-
 22 vidual allottees and other individual Indians shall be
 23 deposited to such individual Indians in their Individual

1 Indian Money Accounts and shall be available for expendi-
2 tures under the terms of this contract.

3 Section 2. Under regulations of the Secretary of the
4 Interior or his duly authorized representative, the Superin-
5 tendent of the Fort Berthold Reservation may authorize
6 the disbursement of funds deposited in the Individual Money
7 Accounts of non-resident members of the tribe and of such
8 other members who, in his opinion, do not require super-
9 vision over such funds. Expenditures may be made from the
10 accounts of individual Indians whenever necessary and de-
11 sirable for the purchase of new lands, homes, or other prop-
12 erty for such Indians.

13 Section 3. Title to new land acquired with the proceeds
14 deposited to the credit of the allottees or heirs shall be taken
15 in the name of the United States in trust for the individual
16 Indians entitled thereto, and shall be non-alienable and non-
17 taxable until otherwise provided by Congress.

18 ARTICLE IX

19 Section 1. Upon the approval of this contract by the
20 Council and by a majority of the adult members of the
21 tribes and its enactment into law, it is, and shall be held to
22 be a relinquishment and conveyance to the Government of
23 all lands, rights and interests within the Taking Area by

1 the tribes as to tribal lands and by the allottees and heirs
 2 as to allotted lands, and no further relinquishment or instru-
 3 ment of conveyance shall be required to extinguish the
 4 Indian's interest in and to such lands and rights and to
 5 vest the title in the United States.

6 ARTICLE X

7 Section 1. Within two years from the date of this con-
 8 tract the Commissioner, with the approval of the Council,
 9 will transmit to the Chief of Engineers a plan for the grazing
 10 of livestock between the taking line and the actual water
 11 line of the Garrison Reservoir within the residual Fort
 12 Berthold Reservation. The said plan shall be based upon
 13 the fullest development of the residual reservation for live-
 14 stock, and shall be accompanied by one or more maps upon
 15 which the areas required for grazing shall be delimited.
 16 Upon approval of the plan by the Chief of Engineers, the
 17 grazing areas delimited for the use of reservation livestock
 18 shall be permanently reserved to the tribes and the members
 19 thereof, and may not be reduced or changed thereafter except
 20 with the consent of the Commissioner and approval of the
 21 Council. The Council may promulgate Rules and Regula-
 22 tions for the utilization of the areas so reserved.

23 Section 2. In the preparation of the grazing area plan,
 24 provided for in Section 1 of this Article, the Commissioner
 25 shall, upon the advice of the Chief of Engineers, eliminate

1 any feature which would interfere with the operation of the
2 Garrison Project, but no reservation of land below the taking
3 line of Garrison Reservoir for park, recreational, or wildlife
4 conservation within the Fort Berthold Reservation shall
5 operate to interfere with the prior right of the tribes and
6 the members thereof to the grazing areas delimited by the
7 Commissioner and approved by the Chief of Engineers, not-
8 withstanding the provisions of Section 4 of the Flood Control
9 Act of December 22, 1944 (Public Law No. 534, 78th Con-
10 gress) as amended or supplemented by Section 4 of the
11 Flood Control Act of July 24, 1946 (Public Law No. 526,
12 79th Congress).

13 Section 3. The Council will cooperate with the govern-
14 ment and with the State of North Dakota in the conserva-
15 tion, development, and utilization of the wildlife resources
16 within the Taking Area. The hunting and trapping rights
17 of the tribes and the members thereof, as presently estab-
18 lished, are expressly reserved to them, and the Council will
19 have the right to issue licenses in accordance with tribal
20 regulations. The tribes and the members thereof will be
21 entitled to fish in Garrison Reservoir under such Rules and
22 Regulations as the Chief of Engineers may establish, but they
23 shall not be required to pay any license fee therefor.

24 Section 4. The right is reserved to the tribes for use
25 by its members, under such terms and conditions as shall

1 be determined upon by the Council and in accordance with
2 plans approved by the Chief of Engineers, to establish boat
3 harbors, wharfs, and recreational areas within the Taking
4 Area, provided that service and dock privileges shall not
5 be made available to non-members of the tribes within the
6 Taking Area of the Reservoir located within the exterior
7 boundaries of the reservation except in accordance with
8 regulations and schedules of rates approved by the tribes
9 with the concurrence or approval of the Chief of Engineers.

10 ARTICLE XI

11 Section 1. The tribes and the members thereof may
12 salvage, remove, reuse, sell, or otherwise dispose of all or
13 any part of their improvements within the Taking Area
14 without any deduction therefor in the appraisal schedule to
15 be prepared by the Commissioner, subject to the condition
16 that the District Engineer, Garrison District, may not enter
17 for the purpose of clearing the said improvements until at
18 least October 1, 1952, and subject further to the condition
19 that the District Engineer shall serve notice of such purpose
20 at least three months prior thereto.

21 Section 2. The tribes and the members thereof shall
22 have the privilege of cutting timber and all forest products
23 and removing sand and gravel, and may use, sell, or other-

1 wise dispose of the same until at least October 1, 1950 with-
 2 out any deduction therefor in the appraisal schedule to be
 3 prepared by the Commissioner, subject to the condition that
 4 the said date may be adjusted to a later date by the Chief
 5 of Engineers on the request of the Commissioner, and sub-
 6 ject to the further condition that the District Engineer,
 7 Garrison District, shall serve notice of clearing at least three
 8 months prior thereto.

9 Section 3. The tribes and the members thereof may re-
 10 move, sell, or otherwise dispose of lignite until such date
 11 as the District Engineer, Garrison District, fixes for the im-
 12 poundment of waters.

13 Section 4. The District Engineer, Garrison District, will
 14 give notice at least six months in advance of the date on or
 15 after which impoundment of waters may begin, and no
 16 damage for loss of life or property due to impoundment
 17 of waters on or after the date specified in said notice may be
 18 claimed. The date established by such notification will not
 19 be earlier than October 1, 1952.

20 ARTICLE XII

21 If, in the future, sub-surface values are discovered within
 22 the Taking Area, which if known at this time would increase
 23 the value of said area, and said values are reduced to money,

1 then the tribes shall be entitled to have paid to them a
 2 royalty of one-eighth of the money received for the oil and
 3 gas extracted after the ratification of this agreement. Said
 4 royalties to be deposited to the tribal funds, or paid to allottees
 5 or heirs as their interests now appear.

6

ARTICLE XIII

7 This agreement has been reached upon the understand-
 8 ing that it was the intention of Congress that the entire
 9 reasonable cost of accomplishing the purposes set forth in
 10 subparagraphs (a), (b), and (c) of Section 1, Article
 11 III, should be paid from appropriations made or to be made
 12 for the construction of Garrison Reservoir; and that if the
 13 \$5,105,625 now available is insufficient to meet such reason-
 14 able costs as approved by the Chief of Engineers, such addi-
 15 tional sum or sums as may be necessary therefor will be
 16 made available from appropriatons for construction of Gar-
 17 rison Reservoir.

18

ARTICLE XIV

19 No member of or delegate to Congress, or resident com-
 20 missioner, shall be admitted to any share or part of this
 21 contract or to any benefit that may arise therefrom but this
 22 provision shall not be construed to extend to this contract
 23 if made with a corporation for its general benefit.

24

ARTICLE XV

25 This contract shall not become effective until it has

1 been ratified by a majority of the adult members of the
 2 tribes, by the Council of the tribes, and on behalf of the
 3 United States by the enactment into law by the Congress.

4 In witness whereof, the parties hereto have executed
 5 this contract as of the day and year first above written.

6 Witnesses: The United States of America

7 RACHEL MORRIS By (Signed) R. A. WHEELER

8 JOSEPH W. KIMBEL Lieutenant General

9 Chief of Engineers,

10 U. S. Army

11 The Three Affiliated Tribes of

12 Fort Berthold Indian Reser-

13 vation

14 ALLAN G. HARPER By GEORGE GILLETTE

15 J. B. SMITH JAMES HALL, Sr.

16 RALPH H. CASE MARK MAHTO

17 JOHN G. HUNTER GEORGE CHARGING, Sr.

18 D'ARCY McNICKLE JOSEPH PACKINEAU

19 LEVI WATERS

20 EARL BATEMAN

21 LEO YOUNG WOLF

22 RUFUS STEVENSON, JBS

23 JAMES BAKER

24 Members of the Tribal

25 Business Council

1 I, Mark Mahto, CERTIFY THAT I am the Secretary
2 of the Tribal Business Council of the Three Affiliated Tribes
3 named as a party to this contract, and that George Gillette,
4 James Hall, Sr., Mark Mahto, George Charging, Joseph
5 Packineau, Levi Waters, Earl Bateman, Leo Young Wolf,
6 Rufus Stevenson, James Baker, who signed this contract
7 on behalf of said tribes constitute the duly elected and
8 qualified Tribal Business Council.

9 In witness whereof, I have hereunto affixed my hand
10 this 20th day of May, 1948.

11 [SEAL] MARK MAHTO, Secretary.

12 We, Mark Mahto, Secretary of the Tribal Council of
13 the Three Affiliated Tribes of the Fort Berthold Reserva-
14 tion, and Ben Reifel, Superintendent of the Fort Berthold
15 Indian Agency, hereby jointly certify that 625 adult mem-
16 bers of the said tribes have signified their approval of the
17 foregoing contract consisting of 44 pages numbered 1 to
18 44 by affixing their signatures to papers bearing the legend
19 "We approve the contract with the United States relating
20 to lands affected by Garrison Reservoir", which papers are
21 on file in the office of the Fort Berthold Indian Agency.
22 We further certify that the signatures on said papers repre-

1 sent a majority of the adult members of the said tribes,
2 the total number of adult members as of this date being 960.

3 MARK MAHTO, Secretary

4 BEN REIFEL, Superintendent

5 I concur: May 20, 1948

6 J. A. KRUG

7 Secretary of the Interior

8 SEC. 2. That there is hereby authorized to be appro-
9 priated, out of any moneys in the Treasury not otherwise
10 appropriated, the sum of \$3,000,000 for the establishment of
11 a Land Readjustment Fund which shall be administered by
12 the Secretary of the Interior or his duly authorized represent-
13 ative. The fund shall be operated for the benefit of the
14 Indians of the Three Affiliated Tribes in consolidating their
15 land holdings and in purchasing land for needy members
16 thereof. The fund shall be operated for a period of ten years
17 from the date of the appropriation Act therefor and at the
18 termination of said period of ten years any balance remaining
19 therein shall revert to the Treasury, and all lands acquired by
20 the fund which have not been deeded in trust to members of
21 the Three Affiliated Tribes shall be held by the United States
22 in trust for the Three Affiliated Tribes and shall be non-

1 taxable and nonalienable until otherwise provided by
2 Congress.

3 SEC. 3. That the sum authorized to be appropriated by
4 section 2 of this joint resolution shall be used to bring about
5 the consolidation of Indian allotted and tribal lands into eco-
6 nomic use units. The Secretary of the Interior or his duly
7 authorized representative is authorized to acquire by purchase
8 or exchange any allotted, inherited, or unrestricted lands,
9 interests in lands and improvements, located in the Fort
10 Berthold Reservation. Lands so acquired by purchase or
11 exchange for the Indians will be taken in the name of the
12 United States in trust for the tribes or individual Indians and
13 lands so acquired by the tribes may be sold to or exchanged
14 with members of the Three Affiliated Tribes. These lands
15 shall have the same status as other tribal lands and be subject
16 to existing laws relating to sales or exchanges, and shall re-
17 main nontaxable and nonalienable until otherwise provided by
18 Congress. Proceeds derived by members of the Three Affili-
19 ated Tribes for lands taken for the Garrison project may be
20 used to purchase lands acquired by the tribe with land re-
21 adjustment funds. The tribal authorities may make assign-
22 ments of land to needy members of the tribes in the manner
23 provided by existing law.

24 SEC. 4. To compensate adequately the Three Affiliated
25 Tribes and the individual members thereof for any and

1 all claims which they may have for breaches of their treaty
2 with the United States of September 17, 1851 (11 Stat.
3 749), by reason of the construction and operation of Garri-
4 son Dam and Reservoir project, North Dakota; for the
5 disregard or abrogation of section 5 (c) of article
6 VI of the constitution and bylaws of the said Three
7 Affiliated Tribes of the Fort Berthold Reservation, adopted
8 in accordance with section 16 of the Indian Reorganization
9 Act of June 18, 1934 (48 Stat. 984); for the disruption
10 of the economic, social, religious, and community life of the
11 said tribes; for reducing the said tribes to the condition of
12 displaced persons; for the destruction of the basic industry
13 of the said tribes; for the intangible costs of relocation and
14 the reestablishment of a sound economic base for the future
15 of said tribes and their adjustment to the new fields of
16 endeavor to be created by the construction and operation
17 of Garrison Dam and Reservoir, none of which is covered by
18 or compensated for by the appropriation made by said Act
19 of July 31, 1947, and which is not covered by or compen-
20 sated for in the contract hereinbefore set out, there is hereby
21 authorized to be appropriated, out of any money in the
22 Treasury not otherwise appropriated, the sum of \$6,500,000,
23 and when said sum shall have been appropriated it shall
24 be credited to the Three Affiliated Tribes in the Treasury of
25 the United States and draw interest at the rate of 4 per

1 centum per annum, and shall be available for expenditure
2 by the Tribal Council of the said Three Affiliated Tribes of
3 the Fort Berthold Reservation with the approval of the Sec-
4 retary of the Interior or his duly authorized representative.

5 SEC. 5. When electric power is available from the Garri-
6 son Dam, there is hereby reserved and set aside a block of
7 power of twenty thousand kilowatts for sale and distribution
8 by the Three Affiliated Tribes for use of such power on the
9 residual Fort Berthold Reservation as it may be extended.
10 This block of power shall be delivered at such point or points
11 on the reservation and at such voltage as may be determined
12 by the Secretary of the Interior. Payment shall be made for
13 the power actually used at the lowest wholesale rate or rates,
14 applicable to the same class of service, made available to other
15 customers receiving electric power from the Garrison Dam
16 power plant. The transmission and distribution system
17 necessary for the delivery of such block of power to the
18 customers of the said Three Affiliated Tribes shall be con-
19 structed from time to time as needed by the said Tribes, with
20 funds made available therefor by the United States without
21 cost to the said Tribes, and there is hereby authorized to be
22 appropriated from time to time such sums as may be required
23 for the construction of the said distribution system to make
24 available to the customers of the said Three Affiliated Tribes
25 the block of power herein reserved to them. The rates for

1 the sale of the power by the Three Affiliated Tribes shall be
2 subject to approval by the Secretary of the Interior. Until
3 such time as the said Three Affiliated Tribes shall require
4 all of the electrical power reserved to them, any amount in
5 excess of that actually required by the said Three Affiliated
6 Tribes shall be available to the Secretary of the Interior for
7 sale or disposition off the Fort Berthold Reservation as
8 extended.

9 SEC. 6. That, under the direction of the Secretary of the
10 Interior, there shall be made complete investigations as to
11 the feasibility of providing irrigation for any Indian indi-
12 vidual or tribal trust lands within the residual Fort Berthold
13 Reservation as it may be extended, including any such lands
14 acquired in the future. Any irrigation works and related
15 facilities which, on the basis of such investigations, the
16 Secretary of the Interior determines to be feasible are hereby
17 authorized to be constructed, maintained, and operated under
18 his direction. The facilities thus provided for the irrigation
19 of Indian lands shall be not less favorable to the Indian lands
20 than for non-Indian lands provided with such irrigation
21 facilities, and the cost assessable against the land properly
22 chargeable as an irrigation cost shall be not more than the
23 cost of providing similar facilities to other lands receiving
24 benefits from the Garrison Dam. The repayment of the
25 share of the cost to be borne by the Indian lands shall be

1 subject to the terms and conditions of other laws applicable
2 to Indian lands, including the Act of July 1, 1932 (47 Stat.
3 564-565).

4 SEC. 7. The fund of \$5,105,625, appropriated by Public
5 Law 296, Eightieth Congress, for compensation to the Three
6 Affiliated Tribes shall bear interest at 4 per centum per
7 annum in the Treasury of the United States, from May 20,
8 1948, and the interest shall likewise be credited to the Three
9 Affiliated Tribes. The said funds shall be and remain
10 nontaxable.

11 SEC. 8. In no event shall any portion of the fund of
12 \$5,105,625 and any of all funds appropriated under the
13 authority of this joint resolution become liable, payable, or
14 subject to any debt or debts of the Three Affiliated Tribes
15 and the members thereof contracted prior to the passage of
16 this joint resolution, except debts to the United States or
17 the Three Affiliated Tribes.

18 SEC. 9. The foregoing conditions and requirements, and
19 the funds made available and those authorized to be appro-
20 priated in this joint resolution, when accepted by the Tribal
21 Business Council of the Three Affiliated Tribes and appro-
22 priated, shall be in complete and final settlement of all the
23 rights, interests, and claims whatsoever of the Three

1 Affiliated Tribes and the members thereof against the United
2 States by reason of the construction of the Garrison Dam
3 and Reservoir project, North Dakota: *Provided*, That no
4 funds authorized in this Act shall be made available to the
5 Three Affiliated Tribes or their members until the Secretary
6 of the Interior has received an appropriate resolution adopted
7 by the Tribal Council and approved by a majority of the
8 adult members of said tribes as accepting payment authorized
9 by this Act as full, complete, and final settlement of all
10 rights, interest, and claims whatsoever of the Three Affiliated
11 Tribes and the members thereof against the United States
12 by reason of the construction of Garrison Dam and Reservoir
13 project, North Dakota.

14 SEC. 10. It is hereby recognized that the royalties pro-
15 vided for in article XII of the contract shall apply to all
16 minerals, including oil and gas, as therein dealt with.

17 SEC. 11. There is hereby authorized to be appropriated,
18 out of any money in the Treasury not otherwise appropriated,
19 such sums as are required to carry out the conditions, provi-
20 sions, and requirements of this joint resolution.

21 SEC. 12. Lands or interests in lands acquired pursuant
22 to article VII or article VIII of the contract set forth in

1 section 1 of this joint resolution may be sold to or exchanged
2 with the Three Affiliated Tribes or members thereof, or may
3 be exchanged with other persons, in the manner now or
4 hereafter authorized by law for the sale or exchange of lands
5 owned by such Tribes or members thereof.

Amend the title so as to read: "Joint resolution to vest title to certain lands of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, in the United States, and to provide compensation therefor."

Passed the House of Representatives June 6, 1949.

Attest:

RALPH R. ROBERTS,

Clerk.

81ST CONGRESS
1ST SESSION

H. J. RES. 33

[Report No. 605]

JOINT RESOLUTION

Providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes.

JUNE 7 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Interior
and Insular Affairs

JUNE 1 (legislative day, JUNE 2), 1949

Reported with amendments

Senate can take definite action one way or the other before the present session of Congress is concluded.

Mr. LUCAS. I will say to the Senator from Nebraska that there is a tremendous amount of interest in this matter. The Committee on Banking and Currency is very much concerned about it. I know that the Senator from Montana [Mr. MURRAY] and the Senator from Florida [Mr. PEPPER] and other Senators are interested in having a sort of special committee, such as we had in the past, of which the distinguished Senator from Nebraska was chairman. They hope that such a committee can be set up. So I imagine there would probably be 2 or 3 days of debate on the resolution.

The PRESIDING OFFICER. On objection, Senate Resolution 58 is passed over.

RESEARCH IN FAMILY ASPECTS OF CHRONIC ILLNESSES

The concurrent resolution (S. Con. Res. 17) providing for expansion and intensification of public-health research on the family aspects of chronic illnesses, was considered and agreed to, as follows:

Resolved, etc., That it is the sense of the Congress that research on the familial aspects of chronic illness and investigation of practical methods of furnishing family health services should be expanded and intensified, and that the United States Public Health Service should extend its activities toward this end.

The preamble was agreed to.

AUREOMYCIN, CHLORAMPHENICOL, AND BACITRACIN OR ANY DERIVATIVE

The bill (H. R. 3151) to amend the Federal Food, Drug, and Cosmetics Act of June 25, 1938, as amended by providing for the certification of batches of drugs of aureomycin, chloramphenicol, and bacitracin, or any derivative thereof, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK

The joint resolution (H. J. Res. 228) authorizing an appropriation for the President's Committee on National Employ the Physically Handicapped Week, was announced as next in order.

Mr. HENDRICKSON. Mr. President, may we have an explanation of the joint resolution?

Mr. PEPPER. Mr. President, the Senator from Montana [Mr. MURRAY] reported the joint resolution from the Committee on Labor and Public Welfare, but he does not happen to be on the floor, and as I am a member of the committee, I shall be very glad to give any explanation I can of it.

A long while ago the President recommended the establishment of a committee to aid in obtaining employment for physically handicapped citizens of our country. The committee consists, I believe, of 275 individuals and 165 organizations. The committee, of course, needs some personnel to coordinate the activities of so large an organization, and in addition to these private members, the governors of States, the mayors of cities, and all kinds of public and private organizations are cooperating splendidly in a joint enterprise to try

to devise means by which the physically handicapped, veterans and civilians, may find opportunities for gainful employment. The bill provides for only \$75,000 a year, which the President recommended should be made available for personnel, and for some little printing and telephone calls, and the like, to aid this splendid private committee in finding gainful employment for these handicapped citizens.

Mr. HENDRICKSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 2) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, was announced as next in order.

Mr. LANGER. By request, I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2085) to amend the Employment Act of 1946, with respect to the Joint Committee on Economic Report, was announced as next in order.

Mr. LANGER. By request, I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF LAND FROM THE THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.

The Senate proceeded to consider the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments.

The amendments were, on page 1, after line 2, to strike out:

That, subject to the additional terms and conditions hereinafter set forth in sections 2 to 11, inclusive, which are made a part of this ratification, the following contract by and between the United States of America and the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., entered into on May 20, 1948, pursuant to the provisions of the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Cong.), is hereby ratified by the Congress, to wit:

"CONTRACT BY AND BETWEEN THE UNITED STATES AND THE INDIANS OF THE FORT BERTHOLD RESERVATION AS PROVIDED FOR BY PUBLIC LAW 296, EIGHTIETH CONGRESS, FIRST SESSION

"This contract, made and entered into this 20th day of May, 1948, by and between the United States of America, hereinafter called the 'Government,' represented by the Chief of Engineers, United States Army, and the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., hereinafter called the 'tribes,' with the approval of a majority of the adult members of said tribes, witnesseth that:

"Whereas, an item in the War Department's Civil Appropriations Act, 1948 (Public Law

296, 80th Cong., approved July 31, 1947), appropriating funds for 'Flood Control, General,' provides:

"'Garrison (North Dakota) Reservoir: For acquisition of the lands and rights therein within the taking line of Garrison Reservoir which lands lie within the area now established as the Fort Berthold Indian Reservation, N. Dak., including all elements of value above or below the surface thereof and including all improvements, severance damages and reestablishment and relocation costs the sum of \$5,105,625, which said sum is included in the total allocated under this act for the said Garrison Reservoir and which shall be deposited in the Treasury of the United States to the credit of the Three Affiliated Tribes of Fort Berthold Reservation, to be subject to withdrawal and disbursement as herein provided. This amount is made available subject to the following conditions subsequent and in the event the said conditions are not complied with then this amount shall lapse and be thereby null and void. Said conditions subsequent are:

"That a contract between the United States and the said Three Affiliated Tribes shall be negotiated and approved by a majority of the adult members of said tribes and enacted into law by the Congress, providing for the conveyance of said lands and interests and the use and distribution of said fund and that disbursements from said fund shall be made forthwith in accordance with said approved contract and act of Congress.

"That said contract shall be submitted to the Congress on or before the 1st day of June 1948: *Provided, however,* That, notwithstanding said contract or the provisions of this act, the said Three Affiliated Tribes may bring suit in the Court of Claims as provided in section 24 of the act of August 13, 1946, on account of additional damages, if any, alleged to have been sustained by said tribes by reason of the taking of the said lands and rights in the said Fort Berthold Indian Reservation on account of any treaty obligation of the Government or any intangible cost of reestablishment or relocation, for which the said tribes are not compensated by the said \$5,105,625.'

"No, therefore, the parties hereto do mutually agree as follows:

"ARTICLE I

"The tribes, notwithstanding this contract, reserve to themselves all their rights and privileges to pursue further their claims against the government by filing suit in the Court of Claims in accordance with Public Law 296 or by petitioning Congress for additional relief legislation, or both.

"ARTICLE II

"The lands to be taken or acquired by the United States under this contract, to be hereinafter referred to as the "Taking Area", are described as follows:

"Part A—Within reservation boundaries

"Beginning at the Northwest corner of Section 6 Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said section; thence South to South quarter corner; thence East to the."

And insert in lieu thereof the following:

That, upon acceptance of the provisions of this act by a majority of the adult members of the Three Affiliated Tribes of the Fort Berthold Reservation, all right, title, and interest of the said tribes in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface) shall vest in the United States of America.

Sec. 2. The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Con-

gress), shall not lapse into the Treasury as provided therein, but shall be available for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the "Commissioner") for the following purposes:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area;

(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain in the Treasury to the credit of the tribes.

SEC. 3. To the extent that \$5,105,625 is insufficient to accomplish the purposes set forth in subsections (a), (b), and (c) of section 2, other funds appropriated for the construction of the Garrison project shall be used to complete the accomplishment of such purposes.

SEC. 4. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

SEC. 5. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have 90 days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

SEC. 6. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceeding shall be charged against the said fund of \$5,105,625.

SEC. 7. In all proceedings instituted in accordance with section 6 of this act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

SEC. 8. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

SEC. 9. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the taking area without

any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least 3 months prior thereto.

SEC. 10. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further conditions that the district engineer, Garrison district, shall serve notice of clearing at least 3 months prior thereto.

SEC. 11. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixed for the impoundment of waters.

SEC. 12. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

SEC. 13. In addition to the \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$4,000,000 shall, upon acceptance of the provisions of this act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sum shall be in full satisfaction of (1) all claims, rights, and demands of said tribes arising out of this act and not compensated for out of the said \$5,105,625, and the additional sums, if any, specified in section 3; (2) and of all other rights, claims, and demands of said tribes of any nature whatsoever existing on the date of enactment of this act, whether of tangible or intangible nature and whether or not cognizable in law or equity; (3) and of any and all claims, rights, or demands arising out of the treaty with the United States of September 17, 1851 (11 Stat. 749), or any other treaty (including any unratified treaty) or agreement prior to the approval and acceptance of this act.

SEC. 14. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 13 of this act shall bear interest at 4 percent per annum from the date of acceptance of this act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agent, attorney, or other representatives of any individual Indian tribe.

SEC. 15. The Taking Area is described as follows:

PART A—WITHIN RESERVATION BOUNDARIES

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the

On page 61, after line 2, to strike out:

"ARTICLE III

"Section 1. The fund of \$5,105,625 shall be subject to disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior, hereinafter called

the 'Commissioner', for the following purposes:

"(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, to be taken for the Garrison Project;

"(b) Costs of relocating and re-establishing the members of the tribes who reside within the Taking Area of the Garrison Project; and

"(c) Costs of relocating and re-establishing Indian cemeteries, tribal monuments, and shrines within the Taking Area of the Garrison Project.

"Section 2. The cost of relocating and re-establishing government owned buildings, facilities, roads and bridges will be paid from appropriations made or to be made for the construction of Garrison Reservoir, and funds for these purposes may, in the discretion of the Chief of Engineers, be transferred to the Commissioner for expenditure.

"Section 3. No portion of the said fund of \$5,105,625 shall be expended by any agency of the government for any expense or cost incurred by it in carrying out the terms of this contract.

"Section 4. Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) of Section 1 of this Article shall remain to the credit of the tribes.

"Section 5. Lands and improvements belonging to any church, mission, missionary society or to any person not a member of the tribes are excluded from this contract and no part of the fund dealt with in this Article shall be used to pay for the same.

"ARTICLE IV

"Section 1. The Commissioner shall have prepared an appraisal schedule on an individual tract basis of the tribal and allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, he shall determine the fair market value of the land and improvements, giving full and proper weight to the following elements of appraisal: damage suffered by partial taking of any tract of land, value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. He shall also have the said schedule of appraisal submitted to the Chief of Engineers for approval.

"Section 2. Upon approval by the Chief of Engineers, the Commissioner shall transmit to the Council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The Council and the interested individual Indians will have ninety days from the date of transmittal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

"Section 3. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625.

"Section 4. In all proceedings instituted in accordance with Section 3 of this Article, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

"ARTICLE V

"Section 1. The administrative responsibility for the removal, relocation, and re-establishment of the members of the tribes shall

be vested in the Commissioner. The Commissioner shall prepare a plan of removal, together with the estimates of cost, and submit the same to the Chief of Engineers. Upon approval by the Chief of Engineers, the plan and estimates shall be transmitted to the Council and on approval by it the Commissioner shall carry out such plan. The plan shall include but shall not be restricted to the cost of transporting to their new locations members of the tribes, their household goods, farming equipment, livestock and other property, the cost of constructing fences and of developing domestic and livestock water supplies on the residual reservation as it may be extended, and the cost of dismantling, transporting, and erecting salvageable buildings and improvements.

"Section 2. The Chief of Engineers shall promptly submit to the Commissioner a schedule showing the approximate time of clearing the right-of-way of the Garrison project within the taking area of the Fort Berthold Reservation. Thereafter, the Chief of Engineers and the Commissioner shall at least annually review the schedule of removal to decide upon any changes proposed by either party. The Chief of Engineers shall, however, have final authority to determine any necessary changes required to be made in the schedule. The schedule shall provide for systematic and orderly clearing of the right-of-way by succession of segments.

"ARTICLE VI

"Section 1. The Commissioner shall prepare a plan, together with cost estimates, for the relocation and reestablishment of tribal monuments, shrines and other tribal facilities, and for the disinterment and reinterment of all bodies within the Taking Area, designated by the Council, allottees, heirs, and churches, and submit the same to the Chief of Engineers. Upon approval of the plan and cost estimates by the Chief of Engineers the Commissioner shall transmit the same to the Council and upon approval by it, the Commissioner shall carry out such plan.

"Section 2. New sites for the reestablishment of monuments, shrines, private burials, and cemeteries shall be acquired out of the proceeds from the taking of present sites within the Taking Area. Titles to the new sites shall be of like character as exist for the sites acquired by the United States within the Taking Area.

"Section 3. Responsibility for carrying out the plan provided for in Section 1 of this Article shall be undertaken, insofar as practicable, by the interested churches, heirs, allottees, Council, or keepers of a particular shrine. The removal plan shall provide for the employment of Indians and for tribal and religious ceremonies. The Commissioner, however, is authorized and directed to assume any responsibility not assumed by any other interested party or parties.

"ARTICLE VII

"The amount determined to be due the tribes for tribal lands and interests under the terms and conditions of this contract shall be held in trust by the United States for said tribes and may be used to acquire such other lands or other tribal property, or for such other purposes, as may be determined by the Council with the approval of the Commissioner. All lands thus acquired shall be held by the United States in trust for the benefit of the tribes as other tribal lands and shall be inalienable and nontaxable until otherwise provided by Congress, notwithstanding any other restrictions on the purchase of land under any other law.

"ARTICLE VIII

"Section 1. The amount determined to be due the individual allottees and other individual Indians shall be deposited to such individual Indians in their Individual Indian

Money Accounts and shall be available for expenditures under the terms of this contract.

"Section 2. Under regulations of the Secretary of the Interior or his duly authorized representative, the Superintendent of the Fort Berthold Reservation may authorize the disbursement of funds deposited in the Individual Money Accounts of non-resident members of the tribe and of such other members who, in his opinion, do not require supervision over such funds. Expenditures may be made from the accounts of individual Indians whenever necessary and desirable for the purchase of new lands, homes, or other property for such Indians.

"Section 3. Title to new land acquired with the proceeds deposited to the credit of the allottees or heirs shall be taken in the name of the United States in trust for the individual Indians entitled thereto, and shall be non-alienable and non-taxable until otherwise provided by Congress.

"ARTICLE IX

"Section 1. Upon the approval of this contract by the Council and by a majority of the adult members of the tribes and its enactment into law, it is, and shall be held to be a relinquishment and conveyance to the Government of all lands, rights, and interests within the Taking Area by the tribes as to tribal lands and by the allottees and heirs as to allotted lands, and no further relinquishment or instrument of conveyance shall be required to extinguish the Indian's interest in and to such lands and rights and to vest the title in the United States.

"ARTICLE X

"Section 1. With two years from the date of this contract the Commissioner, with the approval of the Council, will transmit to the Chief of Engineers a plan for the grazing of livestock between the taking line and the actual water line of the Garrison Reservoir within the residual Fort Berthold Reservation. The said plan shall be based upon the fullest development of the residual reservation for livestock, and shall be accompanied by one or more maps upon which the areas required for grazing shall be delimited. Upon approval of the plan by the Chief of Engineers, the grazing areas delimited for the use of reservation livestock shall be permanently reserved to the tribes and the members thereof, and may not be reduced or changed thereafter except with the consent of the Commissioner and approval of the Council. The Council may promulgate Rules and Regulations for the utilization of the areas so reserved.

"Section 2. In the preparation of the grazing area plan, provided for in Section 1 of this Article, the Commissioner shall, upon the advice of the Chief of Engineers, eliminate any feature which would interfere with the operation of the Garrison Project, but no reservation of land below the taking line of Garrison Reservoir for park, recreational, or wildlife conservation within the Fort Berthold Reservation shall operate to interfere with the prior right of the tribes and the members thereof to the grazing areas delimited by the Commissioner and approved by the Chief of Engineers, notwithstanding the provisions of Section 4 of the Flood Control Act of December 22, 1944 (Public Law No. 534, 78th Congress) as amended or supplemented by Section 4 of the Flood Control Act of July 24, 1946 (Public Law No. 526, 79th Congress).

"Section 3. The Council will cooperate with the government and with the State of North Dakota in the conservation, development, and utilization of the wildlife resources within the Taking Area. The hunting and trapping rights of the tribes and the members thereof, as presently established, are expressly reserved to them, and the Council will have the right to issue licenses in accordance with tribal regulations. The tribes and

the members thereof will be entitled to fish in Garrison Reservoir under such Rules and Regulations as the Chief of Engineers may establish, but they shall not be required to pay any license fee therefor.

"Section 4. The right is reserved to the tribes for use by its members, under such terms and conditions as shall be determined upon by the Council and in accordance with plans approved by the Chief of Engineers, to establish boat harbors, wharfs, and recreational areas within the Taking Area, provided that service and dock privileges shall not be made available to non-members of the tribes within the Taking Area of the Reservoir located within the exterior boundaries of the reservation except in accordance with regulations and schedules of rates approved by the tribes with the concurrence or approval of the Chief of Engineers.

"ARTICLE XI

"Section 1. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the District Engineer, Garrison District, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the District Engineer shall serve notice of such purpose at least three months prior thereto.

"Section 2. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950 without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further condition that the District Engineer, Garrison District, shall serve notice of clearing at least three months prior thereto.

"Section 3. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the District Engineer, Garrison District, fixes for the impoundment of waters.

"Section 4. The District Engineer, Garrison District, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

"ARTICLE XII

If, in the future, sub-surface values are discovered within the Taking Area, which if known at this time would increase the value of said area, and said values are reduced to money, then the tribes shall be entitled to have paid to them a royalty of one-eighth of the money received for the oil and gas extracted after the ratification of this agreement. Said royalties to be deposited to the tribal funds, or paid to allottees or heirs as their interests now appear.

"ARTICLE XIII

"This agreement has been reached upon the understanding that it was the intention of Congress that the entire reasonable cost of accomplishing the purposes set forth in subparagraphs (a), (b), and (c) of Section 1, Article III, should be paid from appropriations made or to be made for the construction of Garrison Reservoir; and that if the \$5,105,625 now available is insufficient to meet such reasonable costs as approved by the Chief of Engineers, such additional sum or sums as may be necessary therefor will be

made available from appropriations for construction of Garrison Reservoir.

"ARTICLE XIV

"No member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

"ARTICLE XV

"This contract shall not become effective until it has been ratified by a majority of the adult members of the tribes, by the Council of the tribes, and on behalf of the United States by the enactment into law by the Congress.

"In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

"Witnesses:

"The United States of America: By R. A. Wheeler, Lieutenant General, Chief of Engineers, United States Army; Rachel Morris; Joseph W. Kimbel; The Three Affiliated Tribes of Fort Berthold Indian Reservation: By George Gillette, James Hall, Sr., Mark Mahto, George Charging, Sr., Joseph Packineau, Levi Waters, Earl Bateman, Leo Young Wolf, Rufus Stevenson, JBS, James Baker, Allan G. Harper, J. B. Smith, Ralph H. Case, John G. Hunter, D'Arcy McNickle, Members of the Tribal Business Council.

"I, Mark Mahto, certify that I am the Secretary of the Tribal Business Council of the Three Affiliated Tribes named as a party to this contract, and that George Gillette, James Hall, Sr., Mark Mahto, George Charging, Joseph Packineau, Levi Waters, Earl Bateman, Leo Young Wolf, Rufus Stevenson, James Baker, who signed this contract on behalf of said tribes constitute the duly elected and qualified Tribal Business Council.

"In witness whereof, I have hereunto affixed my hand this 20th day of May, 1948.

"[SEAL] "MARK MAHTO, Secretary.

"We, Mark Mahto, Secretary of the Tribal Council of the Three Affiliated Tribes of the Fort Berthold Reservation, and Ben Reifel, Superintendent of the Fort Berthold Indian Agency, hereby jointly certify that 625 adult members of the said tribes have signified their approval of the foregoing contract consisting of 44 pages numbered 1 to 44 by affixing their signatures to papers bearing the legend 'We approve the contract with the United States relating to lands affected by Garrison Reservoir,' which papers are on file in the office of the Fort Berthold Indian Agency. We further certify that the signatures on said papers represent a majority of the adult members of the said tribes, the total number of adult members as of this date being 960.

"MARK MAHTO, Secretary.

"BEN REIFEL, Superintendent.

"I concur: May 20, 1948.

"J. A. KRUG,
"Secretary of the Interior."

SEC. 2. That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,000,000 for the establishment of a Land Readjustment Fund which shall be administered by the Secretary of the Interior or his duly authorized representative. The fund shall be operated for the benefit of the Indians of the Three Affiliated Tribes in consolidating their land holdings and in purchasing land for needy members thereof. The fund shall be operated for a period of 10 years from the date of the appropriation act therefor and at the termination of said period of 10 years any balance remaining therein shall revert to the Treasury, and all lands acquired by the fund which have not been deeded in trust to members of the Three

Affiliated Tribes shall be held by the United States in trust for the Three Affiliated Tribes and shall be nontaxable and nonalienable until otherwise provided by Congress.

SEC. 3. That the sum authorized to be appropriated by section 2 of this joint resolution shall be used to bring about the consolidation of Indian allotted and tribal lands into economic use units. The Secretary of the Interior or his duly authorized representative is authorized to acquire by purchase or exchange any allotted, inherited, or unrestricted lands, interests in lands and improvements, located in the Fort Berthold Reservation. Lands so acquired by purchase or exchange for the Indians will be taken in the name of the United States in trust for the tribes or individual Indians, and lands so acquired by the tribes may be sold to or exchanged with members of the Three Affiliated Tribes. These lands shall have the same status as other tribal lands and be subject to existing laws relating to sales or exchanges, and shall remain nontaxable and nonalienable until otherwise provided by Congress. Proceeds derived by members of the Three Affiliated Tribes for lands taken for the Garrison project may be used to purchase lands acquired by the tribe with land readjustment funds. The tribal authorities may make assignments of land to needy members of the tribes in the manner provided by existing law.

SEC. 4. To compensate adequately the Three Affiliated Tribes and the individual members thereof for any and all claims which they may have for breaches of their treaty with the United States of September 17, 1851 (11 Stat. 749), by reason of the construction and operation of Garrison Dam and Reservoir project, North Dakota; for the disregard or abrogation of section 5 (e) of article VI of the constitution and bylaws of the said Three Affiliated Tribes of the Fort Berthold Reservation, adopted in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); for the disruption of the economic, social, religious, and community life of the said tribes; for reducing the said tribes to the condition of displaced persons; for the destruction of the basic industry of the said tribes; for the intangible costs of relocation and the reestablishment of a sound economic base for the future of said tribes and their adjustment to the new fields of endeavor to be created by the construction and operation of Garrison Dam and Reservoir, none of which is covered by or compensated for by the appropriation made by said act of July 31, 1947, and which is not covered by or compensated for in the contract hereinbefore set out, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,500,000, and when said sum shall have been appropriated it shall be credited to the Three Affiliated Tribes in the Treasury of the United States and draw interest at the rate of 4 percent per annum, and shall be available for expenditure by the Tribal Council of the said Three Affiliated Tribes of the Fort Berthold Reservation with the approval of the Secretary of the Interior or his duly authorized representative.

SEC. 5. When electric power is available from the Garrison Dam, there is hereby reserved and set aside a block of power of 20,000 kilowatts for sale and distribution by the Three Affiliated Tribes for use of such power on the residual Fort Berthold Reservation as it may be extended. This block of power shall be delivered at such point or points on the reservation and at such voltage as may be determined by the Secretary of the Interior. Payment shall be made for the power actually used at the lowest wholesale rate or rates, applicable to the same class of service, made available to other customers receiving electric power from the Garrison Dam power plant. The transmission and distribution system necessary for the de-

livery of such block of power to the customers of the said Three Affiliated Tribes shall be constructed from time to time as needed by the said tribes, with funds made available therefor by the United States without cost to the said tribes, and there is hereby authorized to be appropriated from time to time such sums as may be required for the construction of the said distribution system to make available to the customers of the said Three Affiliated Tribes the block of power herein reserved to them. The rates for the sale of the power by the Three Affiliated Tribes shall be subject to approval by the Secretary of the Interior. Until such time as the said Three Affiliated Tribes shall require all of the electrical power reserved to them, any amount in excess of that actually required by the said Three Affiliated Tribes shall be available to the Secretary of the Interior for sale or disposition off the Fort Berthold Reservation as extended.

SEC. 6. That, under the direction of the Secretary of the Interior, there shall be made complete investigations as to the feasibility of providing irrigation for any Indian individual tribe or tribal trust lands within the residual Fort Berthold Reservation as it may be extended, including any such lands acquired in the future. Any irrigation works and related facilities which, on the basis of such investigations, the Secretary of the Interior determines to be feasible are hereby authorized to be constructed, maintained, and operated under his direction. The facilities thus provided for the irrigation of Indian lands shall be not less favorable to the Indian lands than for non-Indian lands provided with such irrigation facilities, and the cost assessable against the land properly chargeable as an irrigation cost shall not be more than the cost of providing similar facilities to other lands receiving benefits from the Garrison Dam. The repayment of the share of the cost to be borne by the Indian lands shall be subject to the terms and conditions of other laws applicable to Indian lands, including the act of July 1, 1932 (47 Stat. 564, 565).

SEC. 7. The fund of \$5,105,625, appropriated by Public Law 296, Eightieth Congress, for compensation to the Three Affiliated Tribes shall bear interest at 4 percent per annum in the Treasury of the United States, from May 20, 1948, and the interest shall likewise be credited to the Three Affiliated Tribes. The said funds shall be and remain nontaxable.

SEC. 8. In no event shall any portion of the fund of \$5,105,625 and any of all funds appropriated under the authority of this joint resolution become liable, payable, or subject to any debt or debts of the Three Affiliated Tribes and the members thereof contracted prior to the passage of this joint resolution, except debts to the United States or the Three Affiliated Tribes.

SEC. 9. The foregoing conditions and requirements, and the funds made available and those authorized to be appropriated in this joint resolution, when accepted by the Tribal Business Council of the Three Affiliated Tribes and appropriated, shall be in complete and final settlement of all the rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by reason of the construction of the Garrison Dam and Reservoir project, North Dakota: *Provided*, That no funds authorized in this act shall be made available to the Three Affiliated Tribes or their members until the Secretary of the Interior has received an appropriate resolution adopted by the tribal council and approved by a majority of the adult members of said tribes as accepting payment authorized by this act as full, complete, and final settlement of all rights, interests, and claims whatsoever of the Three Affiliated Tribes and the members thereof against the United States by

reason of the construction of Garrison Dam and Reservoir project, North Dakota.

SEC. 10. It is hereby recognized that the royalties provided for in article XII of the contract shall apply to all minerals, including oil and gas, as therein dealt with.

SEC. 11. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as are required to carry out the conditions, provisions, and requirements of this joint resolution.

SEC. 12. Lands or interests in lands acquired pursuant to article VII or article VIII of the contract set forth in section 1 of this joint resolution may be sold to or exchanged with the Three Affiliated Tribes or members thereof, or may be exchanged with other persons, in the manner now or hereafter authorized by law for the sale or exchange of lands owned by such Tribes or members thereof.

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution to vest title to certain lands of the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., in the United States, and to provide compensation therefor."

BILL PASSED OVER

The bill (H. R. 165) to authorize the American River Basin development, Calif., for irrigation and reclamation, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

QUITCLAIM OF PROPERTY TO MISSISSIPPI STATE COLLEGE

The Senate proceeded to consider the bill (H. R. 3680) to authorize the Secretary of Agriculture to quitclaim $5\frac{1}{10}$ acres of land in Washington County, Miss., to the Mississippi State College.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. STENNIS. Mr. President, the Senator from Montana [Mr. MURRAY] is not in the Chamber at the time, and, as I am familiar with the bill, I shall try to explain it.

I call the attention of the Senator to the report on the bill. In 1934 Mississippi State College deeded two small parcels of land, of which the parcel concerned in this bill was one, to the Secretary of Agriculture, for the purpose of erecting thereon an experimental gin, and have a place to house the personnel who would be connected with it. The gin was erected on a small piece of land, but the houses have never been constructed on the 5.1 acres. The idea of constructing the houses has been abandoned, and although the original deed contained a provision that the land should revert unless used for that purpose, nevertheless two pieces of land are included in the same deed, and it is thought this bill is necessary in order to make the title clear. There is a letter from the Secretary of Agriculture in the report. No money consideration was involved. It was a donation to the Government in the beginning.

Mr. MORSE. Mr. President, the State of Mississippi transferred the property to the Government in the first instance for a specific purpose but the Federal Government abandoned that purpose. I understand that the Federal Government has not spent any money on this property; is that correct?

Mr. STENNIS. The Senator is entirely correct.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

COTTON MARKETING QUOTAS

Mr. WILLIAMS. Mr. President, a few minutes ago I objected when Senate bill 1962, Calendar No. 595, was reached on the call of the calendar. I now withdraw my objection, and ask that the Senate return to that bill and consider it.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 1962?

There being no objection, the Senate proceeded to consider the bill (S. 1962) to amend the cotton-marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended, which had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out all after the enacting clause, and insert:

That sections 342 to 350, inclusive, of the Agricultural Adjustment Act of 1938, as amended, are amended to read as follows:

"NATIONAL MARKETING QUOTA

"SEC. 342. Whenever during any calendar year the Secretary determines (1) that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 8 percent, or (2) that such total supply is equal to or greater than such normal supply and that the price of cotton at the beginning of such marketing year is 90 percent of parity or less, the Secretary shall proclaim such fact and a national marketing quota shall be in effect with respect to cotton during the marketing year beginning in the next calendar year. The secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (1) the estimated carry-over at the beginning of the marketing year for which the national marketing quota is proclaimed and (2) the estimated imports during such marketing year, to make available during such marketing year a normal supply of cotton. The national marketing quota for any year shall be not less than 10,000,000 bales or 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending in the calendar year in which such quota is proclaimed, whichever is the smaller. Such proclamation shall be made not later than October 15 of the calendar year in which such determination is made.

"REFERENDUM

"SEC. 343. Not later than November 15 following the issuance of the marketing quota proclamation provided for in section 342, the secretary shall conduct a referendum, by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such

quota shall become ineffective upon proclamation of the results of the referendum. The secretary shall proclaim the results of any referendum held hereunder within 80 days after the date of such referendum.

"ACREAGE ALLOTMENTS

"SEC. 344. (a) Whenever a national marketing quota is proclaimed under section 342, the Secretary shall determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop a supply of cotton equal to the national marketing quota: *Provided*, That whenever during any calendar year a national marketing quota is not proclaimed for cotton for the marketing year beginning in the next calendar year and the total supply of cotton for such marketing year is equal to or in excess of the normal supply, or if the Secretary determines that farm acreage allotments are necessary for the effective operation of the price-support program with respect to the crop produced for marketing in such marketing year, the Secretary shall determine and proclaim a national acreage allotment for such crop on the basis of the foregoing provisions, using a national marketing quota computed as provided in section 342, and apportion such national allotment among States, counties, and farms pursuant to the provisions of this part.

"(b) The national acreage allotment for cotton for 1953 and subsequent years shall be apportioned to the States on the basis of the acreage planted to cotton (including the acreage regarded as having been planted to cotton under the provisions of Public Law 12, 79th Cong.) during the five calendar years immediately preceding the calendar year in which the national marketing quota is proclaimed, with adjustments for abnormal conditions of production during such period.

"(c) The national acreage allotments for cotton for the years 1950 and 1951 shall be apportioned to the States on the basis of a national acreage allotment base of 22,500,000 acres, computed and adjusted as follows:

"(1) The average of the planted acreages regarded as planted under the provisions of Public Law 12, 79th Cong.) in the States for the years 1945, 1946, 1947, and 1948 shall constitute the national base; except that in the case of any State having a 1948 planted cotton acreage which is less than 50 percent of the 1943 allotment, the average of the acreage planted (or regarded as planted) for the years 1944, 1945, 1946, 1947, and 1948 shall constitute the base for such State and shall be included in computing the national base; to this is to be added (A) the estimated additional acreage for each State required for small-farm allotments under subsection (f) (1) of this section; (B) the acreage required as a result of the State adjustment provisions of paragraph (2) of this subsection; (C) the additional acreage required to determine a total national allotment base of 22,500,000 acres, which additional acreage shall be distributed on a proportionate basis among States receiving no adjustment under paragraph (2) of this subsection.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the acreage allotment base for 1950 and 1951 for any State (on the basis of a national acreage allotment base of 22,500,000 acres) shall not be less than the larger of (1) 95 percent of the average acreage actually planted to cotton in the State during the years 1947 and 1948, or (2) 85 percent of the acreage planted to cotton in the State in 1948.

"(3) If the national acreage allotment for 1950 or 1951 is more or less than 22,500,000

acres, horizontal adjustments shall be made percentage-wise by States so as to reflect the ratio of the national acreage allotment for 1950 and 1951 to 22,500,000 acres.

"(d) The national acreage allotment for cotton for 1952 shall be apportioned to States on the basis of the acreage planted to cotton (including the acreage regarded as having been planted to cotton under the provisions of Public Law 12, 79th Cong.) during the years 1946, 1947, 1948, and 1950, with adjustments for abnormal conditions of production during such period.

"(e) The State acreage allotment for cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsections (b), (c), and (d) of this section: *Provided*, That the State committee may reserve not to exceed 10 percent of its State acreage allotment (15 percent if the State's 1948 planted cotton acreage was less than half of its 1943 allotment) which shall be allotted for the purpose of adjustments, either in such county apportionments or in farm acreage allotments, for trends in acreage, for abnormal conditions of production, other unusual conditions, and to remedy injustice and hardships.

"(f) The county acreage allotment, less not to exceed the percentage provided for in paragraph 3 of this subsection, shall be apportioned to farms on which cotton has been planted (or regarded as having been planted under the provisions of Public Law 12, 79th Cong.) in any one of the 3 years immediately preceding the year for which such allotment is determined on the following basis:

"(1) There shall be allotted the smaller of the following: (A) 5 acres; or (B) the highest number of acres planted (or regarded as planted) to cotton in any year of such 3-year period;

"(2) The remainder shall be allotted to farms other than farms to which an allotment has been made under paragraph (1) (B) so that the allotment to each farm under this paragraph together with the amount of the allotment to such farm under paragraph (1) (A) shall be the prescribed percentage (which percentage shall be the same for all such farms in the county or administrative area) of the acreage, during the preceding year, on the farm which is tilled annually or in regular rotation, excluding from such acreages the acres devoted to the production of sugarcane for sugar; sugar beets for sugar; wheat, tobacco, or rice for market; peanuts picked and threshed; wheat or rice for feeding to livestock for market; or lands determined to be devoted primarily to orchards or vineyards, and nonirrigated lands in irrigated areas: *Provided, however*, That if a farm would be allotted under this paragraph an acreage together with the amount of the allotment to such farm under paragraph (1) (A) in excess of the largest acreage planted (or regarded as planted) to cotton during any of the preceding 3 years, the acreage allotment for such farm shall not exceed such largest acreage so planted (or regarded as planted) in any such year.

"(3) The county committee may reserve not in excess of 10 percent of the county allotment (15 percent if the State's 1948 planted cotton acreage was less than half its 1943 allotment) which shall be used for (A) establishing allotments for farms which were neither used nor regarded as used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm acreage allotments established under paragraphs (1) and (2) of this subsection so as to establish allotments which are fair and equitable in relation to the factors set forth in this para-

graph and abnormal conditions of production on such farms.

"(g) Notwithstanding the foregoing provisions of this section—

"(1) State, county, and farm acreage allotments and yields for cotton shall be established without regard to the acreage planted to cotton or to yields in 1949, and in establishing such allotments and yields the period of years required to be used shall be selected where 1949 is within any such period by substituting for 1949 the year immediately preceding the period which would otherwise be used.

"(2) In determining cotton production history under the terms of Public Law 12, Seventy-ninth Congress, whatever acreage is 'regarded' as having been planted to cotton because of the production of war crops or because the owner or operator was serving in the armed forces shall be taken into account in establishing farm, county, and State allotments. The Secretary shall require that adequate and proper administrative safeguards and statistical controls be placed into effect to prevent as far as possible any unreasonable or inequitable distribution of such cotton acreage credits under Public Law 12, Seventy-ninth Congress, to any farm, county, or State.

"(3) For any farm on which the acreage planted to cotton in any year is less than the farm acreage allotment for such year by not more than the larger of 10 percent of the allotment or one acre, acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on such farm.

"(4) For any year any part of the acreage allotted to individual farms in any county which it is determined by the Secretary through the county committee will not be planted to cotton in the year for which the allotment is made shall be deducted from the allotments to such farms and shall be apportioned in amounts determined to be fair and reasonable to farms in the same county receiving allotments which are inadequate and not representative in view of the past production history of cotton on such farms: *Provided*, That this paragraph shall not operate to raise the cotton acreage of any farm above 60 percent of the acreage on such farm which is tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary.

"(5) If the acreage planted to cotton on any farm is less than the smaller of (A) 90 percent of the farm acreage allotment, or (B) the acreage allotment less one acre, for two successive years, the acreage allotment next established for such farm shall be reduced by the average amount (expressed as a percentage) of such deficiency, unless the owner or operator of the farm had indicated in writing to the county committee not later than a date set by the committee his intention not to plant the full acreage allotment and had released for that year the unused acreage to the committee for reallocation to other farms in the county: *Provided*, That if the acreage planted to cotton on such farm is less than the smaller of (A) or (B) for three successive years, the allotment next established for such farm shall be reduced as provided by this paragraph, without regard to whether the owner or operator has given any such indication or release.

"(6) In apportioning the county allotment among the farms within the county, the Secretary, through the local committees, shall take into consideration different conditions within separate administrative areas within a county if any exist, including types, kinds, and productivity of the soil so as to prevent discrimination among the administrative areas of the county.

"(h) Notwithstanding any other provisions of this section, the allotment established, or which would have been established, for any farm acquired in 1940 or thereafter for non-

farming purposes by the United States or any State or agency thereof shall be placed in an allotment pool and shall be used only for establishing allotments for farms owned or acquired by the owner of the farm so acquired by the United States, State, or agency thereof. The allotment so made for any farm, including a farm which was not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, shall compare with the allotments established for the other farms in the same area which are similar for the past acreage of cotton, taking into consideration the character and adaptability of soil and other physical facilities affecting the production of cotton. Allotments established pursuant to this subsection shall not affect the allotments for other farms in the county and the acreage allotted to farms in the county shall be increased to the extent of such allotments.

"(i) Provisions of this section shall not apply to any cotton acreage which is leased or owned by a Federal or State agency and farmed by such agency for research purposes.

"(j) Notwithstanding any other provision of this act, State and county committees shall be required to make available for inspection by owners or operators of farms receiving cotton acreage allotments all records pertaining to cotton acreage allotments and marketing quotas.

"(k) Notwithstanding any other provision of this section or of Public Law 28, Eighty-first Congress, there shall be allotted to each State for which an allotment is made under this section not less than the smaller of (A) 4,000 acres or (B) the highest acreage planted (or regarded as planted) to cotton in any one of the three calendar years (including 1949 if such year would be included but for the provisions of such Public Law 28) immediately preceding the year for which the allotment is made.

"FARM-MARKETING QUOTAS

"SEC. 345. (a) The farm-marketing quota for cotton for any farm for any marketing year shall be an amount of cotton equal to the sum of—

"(1) the normal production or the actual production, whichever is the greater, of the farm-acreage allotment; and

"(2) the amount of cotton on hand at the beginning of the marketing year which could have been marketed free of penalty in the previous marketing year.

"(b) In any marketing year in which marketing quotas are in effect, cotton produced from acreage planted in the calendar year in which such marketing year begins shall be subject to quotas even though it is marketed prior to the date on which such marketing year begins.

"PENALTIES

"SEC. 346. (a) Any farmer who, while farm-marketing quotas are in effect, markets cotton in excess of the farm-marketing quota for the marketing year for the farm on which such cotton was produced, shall be subject to a penalty on the excess so marketed at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 prior to the beginning of such marketing year.

"(b) The Secretary may require payment of the penalty upon a proportion of each lot of cotton marketed equal to the proportion which the acreage planted to cotton in excess of the farm acreage allotment is of the total acreage planted to cotton on the farm. If cotton is carried over from a previous crop, for purposes of computing the proportion of the cotton on which penalty will be collected when marketed, the total amount of cotton carried over and the proportion thereof which would have been subject to penalty if marketed in the immediately preceding marketing year shall be converted to acreages on the basis of the normal yield for the farm

Whereas the intention of this bill is being defeated by the fact that facilities of private lending institutions either are not available, especially in the rural areas, or lending institutions are not interested in making these loans in many instances, resulting in veterans being deprived of securing these GI loans; Now, therefore, be it

Resolved by the American Legion, Department of Alabama, in annual convention assembled in Mobile this 5th day of July, 1949, That the Congress of the United States be called upon to provide the lending machinery and facilities to veterans wherever they might reside so that all veterans may benefit by the GI bill of rights in accordance with the legislative intent; be it further

Resolved, That the copy of this resolution be forwarded to each Representative and to each Senator of Alabama, and that they be requested to initiate legislation to this effect.

Whereas the right of most veterans of World War II to receive readjustment allowances under title V of the Federal Servicemen's Readjustment Act of 1944 (known as the GI bill of rights) expires July 25, 1949; and

Whereas only about one-half of the unemployed Alabama veterans of World War II have rights to benefits under the Alabama unemployment compensation; and

Whereas unemployment amongst Alabama veterans is increasing; and

Whereas economic conditions in the near future may be such as to cause great hardship and financial distress to such veterans and their families: Now, therefore, be it

Resolved, That the American Legion, Department of Alabama, in annual convention assembled in Mobile on July 5, 1949, does herewith memorialize and petition the Eighty-first Congress of the United States of America now in session in the city of Washington, D. C., to extend the rights and privileges of veterans of World War II under title V of the Servicemen's Readjustment Act of 1944; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Vice President, the Speaker of the House of Representatives and to each Congressman and Senator from the State of Alabama, and the members of the Veterans' Affairs Committee of the House.

Whereas the American Legion was organized for the purpose of upholding and defending the Constitution of the United States of America, maintaining law and order, and fostering and perpetuating a one hundred percent Americanism, to inculcate a sense of individual obligation to the community, State, and Nation, to promote peace and good will on earth, and to transmit to posterity the principles of justice, freedom, and democracy upon which our Government is founded; and

Whereas there is widespread violation of the principles of trial by jury, of the security of the home, and of the freedom and liberty of the individual citizen by gangs and mobs, who seek to substitute force and violence for law and order; and

Whereas hundreds of thousands of the flower of American manhood have died upon the battlefields of the world to protect and preserve the principles upon which our country and the American Legion is founded and those of us who by good fortune were spared to meet here today, are determined to keep faith with the dead, and make certain that their sacrifice be not in vain: Now, therefore, be it

Resolved, that the American Legion, Department of Alabama, in convention assembled in the city of Mobile, July 3, 4, 5, 1949, hereby condemns each and every act of mob violence committed by mobs and hoodlums and thugs within the State of Alabama; and we hereby call upon each and every enforcement agency and official in Alabama to ferret out, arrest, and bring to the bar of justice each and every member of each of said mobs, to the end that justice and democracy be preserved; be it further

Resolved, That all law-abiding citizens of Alabama be and they are hereby each called upon to rally to the support of their respective local law enforcement officials and aid them to detect and place in arrest, each and every person guilty of acts of mob violence; be it further

Resolved, That the American Legion, Department of Alabama, commend General Gorgas Post No. 1 for its prompt, courageous, and effective stand against mob violence and that this department hereby express its staunch future support of each and every post in the State of Alabama required to act on the part of law and order for the good of the respective communities wherein they are located; be it further

Resolved, That the Congress of the United States be advised that local self-government is the cornerstone of democracy, that government must be kept close to the individual citizen, that the integrity of State and local governments must be preserved, and that the matter of the suppression of mob violence is for the State and local government and that said matters are now being appropriately handled by the people of Alabama without Federal interference.

Whereas the Department of Alabama, the American Legion, in convention assembled in Mobile, Ala., July 5, 1949, wishes to express appreciation to the members of Alabama's delegation in Congress for their efforts to prevent the passage of legislation in furtherance of the civil-rights program; and

Whereas the State of Alabama has satisfactory laws for dealing with the problem of lynching; and

Whereas our present system of making the payment of a nominal poll tax a prerequisite to voting in the State is a State matter and of no concern of the central Government; and

Whereas many of the provisions of the proposed bill to establish a National Fair Employment Practice Commission will, if enacted into law, disrupt certain industries in our State, and are irreconcilable with our system of free enterprise and our present segregation laws; and

Whereas other provisions of the civil-rights program recommended by President Truman would be detrimental to the State of Alabama: Therefore be it

Resolved by the Alabama Department of the American Legion, That this convention applauds and expresses its appreciation to Alabama's Senators and Representatives in Congress for their efforts to forestall the passage of all bills that have been introduced in the United States Congress in furtherance of the civil-rights program, particularly their fight against antilynching laws, antipoll-tax laws, and the establishment of a National Fair Employment Practice Commission.

Whereas the Committee on Un-American Activities of the United States House of Representatives has rendered outstanding serv-

ice in exposing the efforts of Communist and other subversive groups to undermine our Government and spread among our people ideologies antagonistic to our American way of life; and

Whereas this committee is carrying on a work which is in line with our Americanism program: Therefore be it

Resolved by the American Legion, Department of Alabama, in annual session assembled in Mobile on July 5, 1949, That we endorse and commend this committee and ask the Representatives from Alabama to vote to continue this committee; be it further

Resolved, That copies of this resolution be sent to the Honorable JOHN S. WOOD, chairman of the committee, and to each of the nine Representatives and the two Senators from Alabama, and that copies be given to the press for publication.

PROGRAM FOR FRIDAY

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. WHERRY. Mr. President, I should like to state that in cooperation with the majority leader we have attempted to provide some sort of continuity in which Senators will speak on the North Atlantic Pact. The Senators who will be available tomorrow to speak on the pact will include the Senator from Indiana [Mr. JENNER], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. PEPPER], the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Missouri [Mr. KEM].

I do not say they will proceed in that order. Of course that depends upon the occupant of the chair. I should like to say, however, that while I am not asking unanimous consent that the Senator from Indiana [Mr. JENNER] be recognized, he has had to postpone his remarks, and I trust that the occupant of the chair will recognize him tomorrow. He had hoped to speak today, but he had to give way to other Senators who wanted to make their speeches in the time he would have had.

I feel that in cooperating with the majority leader it will help to arrange a program and expedite the whole matter.

I wanted to have that statement in the Record so that Senators could see it.

RECESS

Mr. SPARKMAN. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 15, 1949, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 14 (legislative day of June 2), 1949:

JUDGE OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA

Edith H. Cockrill, of the District of Columbia, to be Judge of the Juvenile Court of the District of Columbia, to fill a new position.

House of Representatives

THURSDAY, JULY 14, 1949

The House met at 12 o'clock noon. The Acting Chaplain, Rev. Jacob S. Payton, D. D., offered the following prayer:

Gracious God, through the impartation of Thy spirit equip us for the duties that lie ahead. Make plain to us the path of righteousness, and grant us strength and courage to walk proudly and unflinching therein. Grant us, Merciful Father, companionship with things excellent by enabling us to live above the cares that fret and the temptations that debase. May we think Thy thoughts until our minds are elevated and every area of our lives is transformed.

May we never minimize the responsibilities of the use of a day nor grow insensitive to the solemn fact that present actions determine future conditions. This day, O Lord, may the work of Members of this body be acceptable in Thy sight. In the name of Thy Son, our Saviour, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MORRIS, MURDOCK, WHITE of Idaho, D'EWART, and LEMKE.

EXTENSION OF REMARKS

Mr. BLAND asked and was given permission to extend his remarks in the Record and include resolutions adopted by the Committee on Merchant Marine and Fisheries.

COMMITTEE ON THE JUDICIARY

Mrs. NORTON. Mr. Speaker, by direction of the Committee on House Administration, I present a privileged resolution (H. Res. 246) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of conducting the studies and investigations authorized by House Resolution 238, Eighty-first Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, within

or without the United States, not to exceed \$45,000, including expenditures for employment, travel, and subsistence of experts and clerical assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and signed by the chairman of the committee, and approved by the House Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mrs. NORTON. Mr. Speaker, by direction of the Committee on House Administration, I present a privileged resolution (H. Res. 254) and ask for its immediate consideration.

Resolved, That the Committee on Un-American Activities is hereby authorized to pay out of the funds made available to it by House Resolution 78 of the Eighty-first Congress, the sum of \$526.85 to The Congressional, Inc., trading as the Hotel Congressional, for providing hotel service to Miss Elizabeth T. Bentley, from August 5, 1948, to August 18, 1948, both dates inclusive, while she was testifying before said committee.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mrs. NORTON. I yield to the gentleman from Iowa.

Mr. LECOMPTE. Mr. Speaker, it occurs to me that a word should be said about this resolution.

This resolution contemplates the payment of a bill from the Congressional Hotel for a room and services for Miss Elizabeth Bentley, who appeared before the Committee on Un-American Activities several months ago. Miss Bentley's appearance before this committee attracted Nation-wide interest. The bill is for more than \$500 for 12 days' room service, and so forth, at the hotel named. This hotel is located back of the House Office Building.

Miss Bentley was subpoenaed and appeared before the House Committee on Un-American Activities. A guard was furnished Miss Bentley during the time she was at that hotel and the meals for the guards are included in the bill. The guards or policemen drew their salaries from the District Government, presumably.

Mr. Speaker, the rules of the House at that time provided a maximum of \$6 per diem as expense allowed to Government employees and witnesses for subsistence. Of course, this bill is a great deal higher than that. It is something like \$15 a day for Miss Bentley's apartment, plus charges for meals for herself in her apartment and meals for the guards, and

tips, and long distance telephone calls. However, the Committee on Un-American Activities apparently felt that it was necessary to have Miss Bentley here, that it was necessary to have her guarded all the time she was here, and that it was necessary to furnish meals for the guards during the time she was appearing before that committee. The bill could not be paid and okayed by the Committee on Un-American Activities because it was far in excess of the regular amount provided by the rules.

The resolution is amended, I think, by a provision to pay this bill out of the unexpended balance that remained of the funds provided the Committee on Un-American Activities in the Eightieth Congress.

It occurs to me that inasmuch as this is an extraordinary bill the Members of the House should have a word of explanation in connection with it. If this bill is to be defended, it should be defended not by the Committee on House Administration but by the Committee on Un-American Activities, which committee contracted the bill and has never gotten the obligation discharged.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mrs. NORTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. What hotel is it that charged \$15 a day for a room for an individual?

Mr. LECOMPTE. It is the Congressional Hotel. The Committee on Un-American Activities authorized the bill, as I understand. This \$15 a day is for the suite.

Mr. RICH. Who would authorize anyone to go to a hotel that would charge \$15 a day for a room?

Mr. LECOMPTE. As I said before, the Committee on Un-American Activities will have to defend this bill, not the Committee on House Administration. The Committee on House Administration is merely undertaking to discharge an obligation of the Government that the Committee on Un-American Activities contracted. I am not defending this bill; in fact, I refused to okay this bill last fall when I was chairman of the Committee on House Administration or to sign a voucher for the payment of same. I regard this bill as an obligation of the Un-American Activities Committee and as such I submit that Members of the House should determine if the claim of the hotel is to be paid. I have never understood the necessity of having Miss Bentley here before the Un-American Activities Committee for 14 days.

Mr. RICH. I came in here one night about midnight and went over to that hotel and asked them for a room. They wanted \$12 a night for me to sleep about

and services as are requisite for or incidental to the effectuation of the projects herein enumerated, shall apply sustained-yield principles to the administration of all renewable resources, and shall be prosecuted in a manner which will provide for completion of the program, so far as practicable, within 10 years from the date of the enactment of this act. An account of the progress being had in the rehabilitation of the Navajo and Hopi Indians, and of the use made of the funds appropriated to that end under this act, shall be included in each annual report of the work of the Department of the Interior submitted to the Congress during the period covered by the foregoing program.

SEC. 3. Navajo and Hopi Indians shall be given, whenever practicable, preference in employment on all projects undertaken pursuant to this act, and, in furtherance of this policy, may be given employment on such projects without regard to the provisions of the civil-service and classification laws. To the fullest extent possible, Indian workers on such projects shall receive on-the-job training in order to enable them to become qualified for more skilled employment.

SEC. 4. The Secretary of the Interior is authorized, under such regulations as he may prescribe, to make loans from the loan fund authorized by section 1 hereof to the Navajo Tribe, or any member or association of members thereof, or to the Hopi Tribe, or any member or association of members thereof, for such productive purposes as, in his judgment, will tend to promote the better utilization of the manpower and resources of the Navajo or Hopi Indians. Sums collected in repayment of such loans and sums collected as interest or other charges thereon shall be credited to the loan fund, and shall be available for the purpose for which the fund was established.

SEC. 5. Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations under such leases. All leases so granted shall be for a term of not to exceed 25 years, but may include provisions authorizing their renewal for an additional term of not to exceed 25 years, and shall be made under such regulations as may be prescribed by the Secretary. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U. S. C., 1946 edition, sec. 380). Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

SEC. 6. In order to facilitate the fullest possible participation by the Navajo Tribe in the program authorized by this act, the members of the tribe shall have the right to adopt a tribal constitution in the manner herein prescribed. Such constitution may provide for the exercise, by the Navajo Tribe of any powers vested in the tribe or any organ thereof by existing law, together with such additional powers as the members of the tribe may, with the approval of the Secretary of the Interior, deem proper to include therein. Such constitution shall be formulated by the Navajo Tribal Council at any regular meeting, distributed in printed form to the Navajo people for consideration, and adopted by secret ballot of the adult members of the Navajo Tribe in an election held under such regulations as the Secretary may prescribe, at which a majority of the qualified votes cast favor such adoption. The constitution shall authorize the fullest possible participation of the Navajos

in the administration of their affairs as approved by the Secretary of the Interior and shall become effective when approved by the Secretary. The constitution may be amended from time to time in the same manner as herein provided for its adoption, and the Secretary of the Interior shall approve any amendment which in the opinion of the Secretary of the Interior advances the development of the Navajo people toward the fullest realization and exercise of the rights, privileges, duties, and responsibilities of American citizenship.

SEC. 7. Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Navajo Tribe of Indians in the United States Treasury shall be available for such purposes as may be designated by the Navajo Tribal Council and approved by the Secretary of the Interior.

SEC. 8. The Tribal Councils of the Navajo and Hopi Tribes and the Indian communities affected shall be kept informed and afforded opportunity to consider from their inception plans pertaining to the program authorized by this act. In the administration of the program, the Secretary of the Interior shall consider the recommendations of the tribal councils and shall follow such recommendations whenever he deems them feasible and consistent with the objectives of this act.

SEC. 9. From and after the effective date of this act, all Indians within the tribal or allotted lands of the Navajo and Hopi Reservations shall be subject to the laws of the State wherein such lands are located, and shall have access to the courts of such State for the enforcement of their rights and the redress of wrongs to the same extent and in the same manner as any other citizen thereof: *Provided, however*, That all classes and character of property now exempt from taxation shall continue to be and remain exempt from taxation by the State until otherwise provided by Congress; and that, until otherwise provided by Congress, all Federal and tribal laws and regulations respecting the management, assignment, inheritance, or disposition of lands shall be recognized and enforced where such laws or regulations are in conflict with State laws: *Provided further*, That nothing herein contained shall be construed as authorizing the State to interfere in any manner with the administration of the school system as provided and administered by the Federal Government for such Indians, except that the respective State school curricula shall be installed and followed in the Navajo schools so far as feasible: *And provided further*, That nothing in this act provided shall be deemed to impair the terms and obligations of any existing statute or treaty between the United States Government and the said Indians, nor take away the jurisdiction now exercised by the Federal Government or the tribes, but in all cases the jurisdiction of the State, the Federal, and the tribal courts shall be concurrent.

Mr. O'MAHONEY. Mr. President, as in legislative session, I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McFARLAND, Mr. ANDERSON, Mr. KERR, Mr. ECTON, and Mr. WATKINS conferees on the part of the Senate.

PURCHASE OF CERTAIN INDIAN LANDS, FORT BERTHOLD RESERVATION, N. DAK.

The PRESIDING OFFICER, as in legislative session, laid before the Senate a message from the House of Represent-

atives announcing its disagreement to the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. As in legislative session, I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KERR, Mr. McFARLAND, Mr. MILLER, Mr. ECTON, and Mr. WATKINS conferees on the part of the Senate.

PROPOSED FREIGHT ABSORPTION LEGISLATION

Mr. WHERRY. Will the Senator from Wyoming tell me why there has not been a conference on the O'Mahoney freight absorption bill (S. 1008)?

Mr. O'MAHONEY. That bill came from the Committee on the Judiciary, of which I am not a member, so the Committee on the Judiciary has the jurisdiction over the appointment of the conferees. I believe the fact that conferees have not been appointed is due to the large amount of business the committee has had on hand.

Mr. WHERRY. I wondered if the Senator had any light on that, because I have been asked about it by several Senators.

RECESS

Mr. LUCAS. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 9 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 19, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 18 (legislative day of June 2), 1949:

UNITED STATES ATTORNEY

Edward Burns Parker, of Alabama, to be United States attorney for the middle district of Alabama. Mr. Parker is now serving in this office under an appointment which expired November 23, 1946.

IN THE AIR FORCE

The following-named officers for promotion in the United States Air Force, under the provisions of sections 502 and 509 of the Officer Personnel Act of 1947. Those officers whose names are preceded by the symbol (X) are subject to examination required by law. All others have been examined and found qualified for promotion.

To be captains

Abernathy, Julian Ray, Jr., AO39227.
Ammon, Robert Harvey, AO54074.
X Anderson, George Stewart, AO36367.
Ashman, Richard Charles, AO46877.
Askew, George Washington, Jr., AO47387.
Bair, Joe Clarence, AO54115.
Beers, Robert LeRoy, AO39220.
Bender, Carroll Joseph, AO47355.
Bledsoe, John Denton, AO54066.
Bodnyk, Metro, AO52939.
X Brady, Roland Hamilton, Jr., AO40904.

Brandenburg, Warner Otto, AO54095.
 Butler, Floyd Nunn, AO54047.
 Byers, John Robert, AO37722.
 Byrne, Joseph Paul, AO54064.
 Carpenter, George Walter, AO36296.
 Carter, Herbert Eugene, AO47324.
 Cave, Richard Thomas, AO54084.
 Cercek, John Frank, AO47420.
 Christensen, Edward Michael, AO54065.
 Clower, Freeling Horace, AO54053.
 Collins, Edward Matthew, AO54038.
 Coogler, Arthur Cornwell, AO54077.
 Copeland, James Ralph, AO35488.
 Creighton, Vernon Francis, AO36291.
 Crites, Doyle LaVerne, AO46475.
 × Crow, Roy Hammond, AO47461.
 Crump, James Blanchard, AO47293.
 Cummins, Frank Roger, AO47294.
 Davies, Edwin Robert, AO47452.
 Dardson, Russell Wendell, AO47403.
 × Del Vecchio, Dino, AO47407.
 Dews, Charles Allen, AO36341.
 Dougherty, David Gardner, AO47406.
 Douglas, James David, Jr., AO54070.
 Dryer, Melvin George, AO47448.
 × Dunn, James, Jr., AO47428.
 Edwards, William Howell, AO47715.
 × Fletcher, Edward Carleton, AO54112.
 Fondaw, Sidney Glen, AO47436.
 Froehlich, Vernon Walter, AO36299.
 Frymire, William Dale, AO54099.
 Gallagher, Kenneth Francis, AO47368.
 Gubser, Burlin Ross, AO54054.
 Hanson, Kermit Theodore, AO36292.
 Harrison, William Carl, Jr., AO47300.
 Haslett, Hugh John, AO47319.
 Heggenberger, Robert Valter, AO47301.
 × Heinzl, Roy Henry, AO46770.
 Hendricks, Clyde Vernon, AO47411.
 Henner, Ernest Samuel, Jr., AO40891.
 Heyl, Rodney William, AO54061.
 Hibbert, John Alfred, AO47402.
 Hill, Benjamin Wood, AO47391.
 Holeman, Harry Gerald, AO47439.
 Holley, James Taylor, AO54041.
 Holt, Warner Jenella, AO45384.
 × Hugunin, Guy Jackson, Jr., AO47315.
 × Iddins, Donald Jennings, AO47426.
 Iovine, Guy Thomas, AO47312.
 Jackson, Frank Rogers, AO47291.
 James, David Marshall, AO47434.
 Johansen, Martin Christian, AO47451.
 × Jones, Donald Pershing, AO47378.
 Jones, James Melton, Jr., AO47335.
 Jordan, Raymond Vincent, AO54113.
 Judas, Maxwell Vincent, AO47310.
 Kelly, Frank Albert, AO47370.
 Kissell, William George, AO47458.
 Kivipeltto, Oiva, AO40903.
 Kraemer, Richard Howard, AO47357.
 Kral, William, AO47409.
 Kramer, Vernon Jerome, AO47302.
 Kuchenbecker, John Edward, AO47388.
 Ladd, Robert Eyard, AO47379.
 Leonhardt, Herbert Victor, AO47433.
 Linden, Eric Oscar, AO54056.
 Litchfield, Robert Latta, AO47444.
 × Livingston, Clyde McRay, AO47336.
 Looney, William Alvin, AO47306.
 McAllister, Allen Marshall, AO47353.
 McClanahan, James Clifton, AO54103.
 McClure, John Edward, AO36385.
 McKinley, James William, AO36360.
 McKinnon, Edwin Lawrence, AO47431.
 × MacLean, Lynwood Alva, Jr., AO47463.
 Madole, William Harley, AO47325.
 Meier, Clifford Henry, AO54118.
 × Michaud, Leonard P., AO54086.
 Moleski, George Ignatius, AO47322.
 × Moran, Daniel James, Jr., AO47413.
 Morantville, Bill Harold, AO47414.
 Morley, Rudyard Carl, AO47415.
 Nelsen, Maynard Peter, AO36400.
 Novinski, Norbert Lawrence, AO37125.
 Ogburn, George Horace, Jr., AO54097.
 Parker, John Frederick, AO54082.
 Peck, Douglas Thomas, AO47441.
 Perry, Stanley Lowell, AO54105.
 Phelps, Bernard Alvin, Jr., AO47392.
 Phipps, Charles Everette, AO47342.
 Provancha, George James, AO47371.
 Rice, Arthur Edwin, AO47364.
 Richardson, Roland LeRoy, AO36310.
 Ritchie, De Ward, AO47383.
 Roach, Harry Edwin, Jr., AO48022.
 Ruddick, Lynn Willkom, AO54081.
 Rust, Henry Buddington, AO54110.
 Sanxter, Donald LaVern, AO47416.
 × Schultz, Adrian Joseph, AO47418.
 Scott, Dale Wilson, AO54093.
 Scoville, Curtis Lee, AO47442.
 Seaman, Clarence Orand, AO54091.
 Shelton, Walter Scott, Jr., AO47466.
 Sherman, Fred Peter, AO36289.
 Slaker, Kenneth Waverly, Jr., AO54111.
 Smith, Carl Clay, Jr., AO47403.
 × Smith, George Robert, AO36396.
 × Smith, Robert Gerald, AO47329.
 Smith, Roger Harold, AO54088.
 Sollars, John Alexander, AO47338.
 × Stahl, Benjamin Abraham, AO54107.
 Stankowski, John Frank, Jr., AO54067.
 Stewart, James Arthur, AO36326.
 Sullivan, Francis Charles, AO47351.
 Symington, Thomas Alexander, Jr., AO47447.
 × Tahsequah, Meech, AO35606.
 Taylor, Gardner Wade, 2d, AO47424.
 Tedrowe, Thaddeus William, AO47295.
 Templin, Jack Donald, AO47404.
 Thatcher, William Charles, AO47460.
 × Thomas, Parry Lloyd, AO54045.
 Thompson, John Robert, Jr., AO36293.
 Thorvaldson, Joel Dixon, AO47443.
 Thurlow, Everett Beach, AO47341.
 Todt, Donald Clare, AO47465.
 Trojan, Joseph Ernest, AO47311.
 Tuten, Wilson Parker, AO36272.
 Van Marter, William Howard, AO36269.
 Wagner, Paul Campbell, AO47384.
 × Walther, Eugene Nicholas, AO53730.
 Walker, Edwin LeClaire, Jr., AO54201.
 Warren, James David, AO47290.
 Washer, Lache Mecom, AO54109.
 Wilcox, Lawrence Randolph, AO36398.
 Williams, Dave Weldon, AO46368.
 Williams, Edgar Grant, AO54104.
 Williams, Joe Charles, AO54095.
 Williamson, Philip Joseph, AO47432.
 × Wilson, George Henry, AO47380.
 Wilson, Harold Homer, AO53001.
 Winchester, Charlton Whitfield, Jr., AO36264.
 Winningham, Porter Lee, AO47430.
 Woodard, Roger Clinton, AO47305.
 Worthington, Arthur Wagner, AO47350.
 Yahr, Raymond Richard, AO46773.
 Yaworski, John, AO54080.
 Yehle, Vernon Keith, AO40889.
 × Zals, Richard Andrew, AO47396.
 Zwink, Wayne Ernest, AO47462.

NOTE.—These officers will complete 7 years' service for promotion during the month of July. Dates of rank will be determined by the Secretary of the Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18 (legislative day of June 2), 1949:

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grades indicated under the provisions of title V of the Officer Personnel Act of 1947:

To be major generals

Lester Johnson Whitlock, O7138.
 Ray Tyson Maddocks, O7291.

To be brigadier generals

Henry Irving Hodes, O12845.
 Blackshear Morrison Bryan, Jr., O15004.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of section 515 of the Officer Personnel Act of 1947:

To be major generals

Josef Robert Sheetz, O8720.
 William Arthur Belserlinden, O10303.
 Reuben Ellis Jenkins, O11658.
 Whitfield Putnam Shepard, O11908.

To be brigadier generals

Harold Eugene Eastwood, O8202.
 Andrew Christian Tychsen, O8256.
 Laurin Lynnan Williams, O8425.
 Raymond Eccleston Seiverla Williamson, O8602.

William Lillard Barriger, O11220.
 George Bittmann Barth, O11241.

The following-named persons for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Curtis H. Alloway, O444813.
 Anthony J. Auletta, O460153.
 Paul A. Baldy, O390799.
 John T. Batts, O386840.
 William L. Boylston, O414286.
 Leon W. Brouhard, O1332919.
 Clifford J. Budney, O558042.
 David M. Buie, O399821.
 Elmer I. Caldwell, O393912.
 Charles B. Christian, O409593.
 John M. Coates, O1685595.
 Lloyd A. Corkan, Jr., O550660.
 Ralph E. Davis, O1168217.
 Fred P. De Palma, O436296.
 Bert P. Ezell, O389521.
 Edgar R. Fenstemacher, O390519.
 Joseph F. Fil, O956244.
 George L. Freeman, O1595510.
 James V. Galloway, O399104.
 John D. Gard, O2010743.
 Franklin T. Garrett, O467847.
 Sam F. Gaziano, O1291260.
 Berkeley S. Gillespie, Jr., O467699.
 Anthony P. Glasser, O1313396.
 Maxwell Grabove, O442802.
 John B. Gregg, O1826363.
 James C. Hefti, O1556732.
 Leonard J. Hempling, O386072.
 Lewis E. Hess, O442042.
 Charles W. Howard, O1325703.
 William L. Humphrey, O391239.
 Carl W. Ivie, Jr., O394855.
 Lloyd K. Jensen, O418008.
 Maurice E. Jessup, O1173663.
 James W. Kelly, O530015.
 Eldredge R. Long, Jr., O955080.
 John S. Mace, O414381.
 Clarence D. Maiden, O1318058.
 Roy R. May, Jr., O449412.
 Raymond N. Nelson, Jr., O1322582.
 Gilbert H. Newman, O424196.
 John W. Norwalk, O452998.
 Lewington S. Ponder, O526486.
 Noble L. Riggs, O405207.
 Edmund C. Roberts, Jr., O405053.
 William Schabacker, O537740.
 Ferdinand L. Schwartz, O465156.
 John G. Sheehan, O1045923.
 Frank W. Sheppe, O2035441.
 Russell R. Simpson, O412224.
 Harold D. Smith, O529568.
 Homer T. Smith, Jr., O517155.
 Paul C. Smithey, O957947.

background on the basis of which the Senate committee dealt with this question. Rather than go back and ask the House conferees to change their language, we merely submitted for consideration the general point of view of Senators on the subject.

Mr. WHERRY. Mr. President, I ask unanimous consent that that part of the action which the Senate took in granting unanimous consent to the Senator from Florida to insert this statement in the Record along with the conference report be rescinded, so that Senators may be given ample time to study the statement. Overnight is sufficient time for me. Then if the Senator will renew his request after members of the Committee on Labor and Public Welfare have had an opportunity to examine it, I think there will be no trouble about it.

Mr. PEPPER. Very well.

Mr. WHERRY. I do not think there will be any difficulty about it at all, but I should like very much to have that privilege, because I believe that the statement of the historical background might be used by the court in interpreting the law itself. If it is, I think we should have the opportunity to look it over.

The VICE PRESIDENT. Is there objection to the withholding of the material referred to?

Mr. PEPPER. Mr. President, reserving the right to object, I understand that the Senator from Nebraska limits his request to the material which I obtained unanimous consent to have printed in the Record, and does not include consideration of the conference report itself.

Mr. WHERRY. That is correct.

Mr. PEPPER. I readily join in the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska [Mr. WHERRY]. The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, I am sorry that I was not in the Chamber when the Senator from Florida explained the amendment regarding logging and forestry products.

Mr. PEPPER. If I may, I will explain it again.

Mr. MAGNUSON. I have read the report. I should like to have the Senator from Florida correct me if I am not correct in my understanding that the bill represents a modified version, as between the House and Senate, and that the bill now exempts those who are engaged in purely logging operations in the woods. I understand that operators employing not more than 12 workers engaged only in hauling the logs and doing the work in the woods are exempted.

Mr. PEPPER. That is correct. Cutting the logs in the woods and transporting the logs from the place where they are cut to the mill, or to the terminus for transportation, are exempted. Basically we accepted the House language, except that we eliminated sawmills, which are engaged in processing, and we included pulp operations, which had not been included in the House language. So when the employer has fewer than 12 employees, the work of the employees in

the woods, in cutting and hauling the logs intended for pulp mills, is exempted from both the minimum-wage and the maximum-hours provisions of the law.

Mr. MAGNUSON. I still do not agree with that, but I wanted to be perfectly clear.

Mr. PEPPER. We did the best we could in the conference.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. FULBRIGHT. I wish to ask one question on the last point discussed. The usual practice is that the same crew is engaged in logging for a sufficient time to get a yard of logs, and then they come in and manufacture them. How would the law apply to them?

Mr. PEPPER. The employment which would be exempt under the conference report is only the woods part of the employment. The exemption would not apply when the worker was engaged in cutting the logs in the sawmill, or in the processing of the logs into pulp in the pulp mill.

Mr. FULBRIGHT. Let me ask one other question, if the Senator will yield: What did the conference committee do with regard to the exemption of cotton gins and warehouses and compresses, which amendment was offered by the Senator from Mississippi [Mr. STENNIS], I believe, and was adopted by the Senate?

Mr. PEPPER. On that matter, essentially, the Senate conferees receded at the insistence of the House conferees, and the Senate amendment was deleted by the conferees, leaving the law as it is today—in other words, as the Wage-Hour Administrator says, in the case of cotton gins exempting about 90 percent of the cotton gins which are in the area of production. In other words, the processing of agricultural commodities which occurs within the area of production is at the present time exempt from the minimum-wage and maximum-hour provisions of the law.

The matter of the area of production is a very difficult one. It has been difficult of administration. The first definition laid down by the Wage and Hour Administrator was eliminated by the courts. Definitions which were subsequently devised have not, themselves, been altogether satisfactory.

There has been a general desire, both by those who favor the extension of this law and by those who did not favor the law at all, to have the definition modified and improved. I think it is the consensus of opinion of the conferees that they hope the Wage and Hour Administrator will constantly endeavor to improve the definition of "area of production," and, especially in the case of cotton, that he will apply it as liberally as possible.

Mr. FULBRIGHT. In regard to this matter, did the conferees make any statement relative to what the Wage and Hour Administrator should do?

Mr. PEPPER. What I have just stated was the general opinion. I do not recall any express statement to that effect; but it was the general opinion in the conference that that should be done.

Mr. FULBRIGHT. Did the conferees also leave out the amendment of the House of Representatives which provided that the Secretary of Agriculture should define the "area of production"?

Mr. PEPPER. The House conferees receded from that provision, for it was felt by the entire conference, after consideration, that it would be better to have the administration of the "area of production" provision in the Wage and Hour Administration, where it has been, rather than to divide the authority in this field between the Wage and Hour Administration, under the Secretary of Labor and the Secretary of Agriculture. We were influenced in that decision by a letter communicated to both the Senate and the House committees by the Secretary of Agriculture, saying that he did not think it would be appropriate for him to have the jurisdiction, that he did not welcome it, and that he had collaborated with, and would continue to collaborate with, the Secretary of Labor in working out this matter.

Mr. FULBRIGHT. Does not the Senator think it significant that both Houses took action designed to change the present method, and indicating that a change was desired by both Houses, but that they approached it from a different angle, one amendment showing dissatisfaction on the part of the House with the present arrangement, and the other—the Senate amendment—specifically giving exemption to those in counties where cotton is produced. For example, in the largest cotton producing county in the United States, namely, Mississippi County, Ark., which is the most prolific cotton-producing county, among those of comparable area, the town of Blytheville is not exempt. As the Senator from Florida knows, any warehouse in a town having a population of more than 2,500 persons is not exempt. So warehouses in that town are not exempt.

So the act which the court has not held invalid has not brought about an exemption in the case of that particular industry.

It seems to me now that the conferees have acted, something more definite should be said on the part of the managers for the Senate, so as to direct, so far as they can do so, the Wage and Hour Administrator to do something in this field, since both Houses of Congress have evidenced dissatisfaction with what is being done.

As a matter of fact, this item just misses being subject to a point of order, because the two Houses approached it in a somewhat different way, and the amendments are not to the same section of the bill.

Mr. PEPPER. I am glad the Senator has clearly used the word "miss" there, because it is a very clear miss.

Mr. FULBRIGHT. Yes; it just misses.

Mr. PEPPER. The House had done nothing with respect to the matter in which the Senate is now interested, namely, cotton gins and compresses, as regards an exemption. The Senate did adopt an amendment providing an exemption for those operations. The House had agreed to a general adminis-

trative provision to the effect that the Secretary of Agriculture, instead of the Secretary of Labor or the Wage-Hour Administrator, should administer the area of production; but there was no mention of area of production in the Senate amendment, as I recall. So the two amendments were not the same at all.

Mr. FULBRIGHT. The Senator from Florida may not be acquainted with this matter; but an amendment similar to the one adopted in the House was prepared—and I joined in it; and the junior Senator from Mississippi was to offer it, and I was the cosponsor of it. After the bill came here, an amendment was offered and adopted in the Senate, and we, thinking of course that that amendment would receive favorable attention by the conferees, did not press the other amendment. But the objective of both amendments is exactly the same. The House amendment was designed to achieve the same purpose, namely, to get a reasonable definition of "area of production," which would have some application to this industry. That was the whole reason for the amendment. I think the Senator will find in the legislative history that those interested in cotton were the ones who then supported the House amendment.

So the real objective of both amendments was the same; but the two amendments were offered as two different methods of achieving it.

Mr. PEPPER. Mr. President, I am quite sympathetic with the Senator from Arkansas and with other Senators who share his view about the "area of production" definition and about having it gradually improved in the course of administration. I think all of us are sympathetic in that connection, as regards having that done. But obviously we shall have to struggle with that in the years ahead, and shall have to struggle with the question of whether we shall allow the "area of production" provision at all, or whether it will be withdrawn totally, or whether the "area of production" will be exempt.

But the fact that there have been so few suits questioning the rules that have been adopted in recent years, as contrasted with the situation in former years, indicates that progress is being made. We hope they will continue to improve the definition.

Mr. FULBRIGHT. Mr. President, I am sorry the conferees did not accept the Senate amendment. The Senate adopted it, of course.

Mr. PEPPER. The Senate did adopt it; but when we got into conference, those interested in other agricultural commodities felt that those commodities were being discriminated against; and the House conferees would not agree to this item.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PURCHASE OF CERTAIN INDIAN LANDS— CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a conference report on the joint resolution (H. J. Res. 33) providing for the

ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and to the amendment of the Senate to the title of the joint resolution, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert the following: "That, if within six months from the date of its enactment the Three Affiliated Tribes of the Fort Berthold Reservation accept the provisions of this Act by an affirmative vote of a majority of the adult members, the sums herein provided for shall be made available as herein specified; and all right, title and interest of said tribes, allottees and heirs of allottees in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface) shall vest in the United States of America.

"Sec. 2. The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), shall not lapse into the Treasury as provided therein, but shall be available for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the "Commissioner") for the following purposes:

"(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area;

"(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

"(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain in the Treasury to the credit of the tribes.

"Sec. 3. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the

uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

"Sec. 4. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have ninety days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

"Sec. 5. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625: *Provided*, That if said sum should be inadequate to cover the purposes provided for in section 2 (a), (b) and (c) hereof, and such judgments as may be obtained in such proceedings, then the amount in excess of the said fund of \$5,105,625 shall be paid out of the \$7,500,000 provided for in section 12 hereof.

"Sec. 6. In all proceedings instituted in accordance with section 5 of this Act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

"Sec. 7. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

"Sec. 8. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least three months prior thereto.

"Sec. 9. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further conditions that the district engineer, Garrison district, shall serve notice of clearing at least three months prior thereto.

"Sec. 10. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

"Sec. 11. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

"Sec. 12. In addition to the \$5,105,625 appropriated by the War Department Civil

Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$7,500,000 less any part thereof that may be required to cover balance due said tribes or allottees or heirs as provided for in section 5 hereof shall, upon acceptance of the provisions of this Act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sums notwithstanding anything contained in this Act to the contrary shall be in full satisfaction of: (1) all claims, rights, demands, and judgments of said tribes or allottees or heirs thereof arising out of this Act and not compensated for out of the said \$5,105,625; (2) and of all other rights, claims, demands, and judgments of said tribes, individual allottees or heirs thereof, of any nature whatsoever existing on the date of enactment of this Act, whether of tangible or intangible nature and whether or not cognizable in law or equity in connection with the taking of said land and the construction of said Garrison Dam Project.

"Sec. 13. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 12 of this Act shall bear interest at 4 per centum per annum from the date of acceptance of this Act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe.

"Sec. 14. When electric power is available from Garrison Dam Project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations, and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as if said Tribes and members thereof were named in said Rural Electrification Act of 1936.

"Sec. 15. The Taking Area is described as follows:

"PART A—WITHIN RESERVATION BOUNDARIES

"Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the"; and the Senate agree to the same.

ROBERT S. KERR,
ERNEST W. MCFARLAND,
ZALES N. ECTON,
ARTHUR V. WATKINS,

Managers on the Part of the Senate.

TOBY MORRIS,
JOHN R. MURDOCK,
WESLEY A. DEWEART,
WILLIAM LEMKE,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

THE CALENDAR

Mr. LUCAS. Mr. President, yesterday I announced that we would have a call of the calendar, beginning with Calendar No. 1191, Senate bill 1019, which is the beginning of the bills which were reported on October 17.

I now ask unanimous consent, if the Senator from Oregon will permit—

The VICE PRESIDENT. The Senator from Oregon has the floor. Does he yield for this purpose?

Mr. MORSE. Mr. President I am very happy to yield to the Senator from Illi-

nois for this purpose, if my rights are protected.

Mr. LUCAS. I thank the Senator; and I ask unanimous consent that that be understood.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LUCAS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 1191, Senate bill 1019. I thank the Senator from Oregon for his kindness in this connection.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object—and let me say that I wish to comply with the request made by the majority leader—I wish to say that I am wondering whether there is on the calendar any measure which will necessitate a quorum call. I do not wish to suggest the absence of a quorum.

Mr. LUCAS. I suggest to the minority leader that we proceed now with the call of the calendar.

Mr. WHERRY. Very well.

Mr. LUCAS. And in the event that some Senator who is not here during the call desires to object to any of these bills or other measures, I will make a motion, tomorrow, to reconsider.

Mr. WHERRY. That is fair enough; and, of course, it is understood that any Senator can make objection to the the consideration of any of these measures, because they are on the Consent Calendar.

Furthermore, if a bill is passed and the Senator who might have objected is not here, it is my understanding the majority leader states he will tomorrow move to reconsider.

Mr. LUCAS. I shall move to reconsider, and have action taken by the Senate, tomorrow, if possible.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois to proceed to the call of the calendar, beginning with the number indicated?

Mr. SCHOEPPEL. Mr. President, I think it was definitely understood, as the majority leader will recall, with respect to some of the Senators who were here yesterday, that they expressly wanted a quorum call in the event the calendar was called. I certainly should want to object unless that is done.

Mr. LUCAS. I withdraw my motion, for the moment, Mr. President.

HEADQUARTERS OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

The VICE PRESIDENT. The Chair suggests it was agreed yesterday that the joint resolution (S. J. Res. 128) be taken up, and it would probably have priority over the calendar, in view of the agreement. Is it desired to take up the resolution? It has relation to the United Nations. The Senator from Florida [Mr. PEPPER] is interested in it.

Mr. PEPPER. Is that the FAO?

The VICE PRESIDENT. It is Senate Joint Resolution 128.

Mr. PEPPER. No objection has been interposed to it, I believe. I ask unanimous consent that the Senate proceed

to the consideration of the joint resolution.

The VICE PRESIDENT. The clerk will state the joint resolution by title.

The LEGISLATIVE CLERK. A joint resolution (S. J. Res. 128) to authorize the President to lend to the Food and Agriculture Organization of the United Nations funds for the construction and furnishing of a permanent headquarters, and for related purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 6, after the word "Columbia", to strike out "or in New York City,"; in line 7, after the word "in", to strike out "the" and insert "its"; in the same line, after the word "vicinity", to strike out "of either"; on page 3, line 9, after the word "payments", to insert "in currency of the United States which is legal tender for public debts on the date such payments are made"; and on page 5, line 25, after the word "headquarters", to insert "in the city of Washington, District of Columbia, or its vicinity", so as to make the joint resolution read:

Resolved, etc., That the President is authorized to lend to the Food and Agriculture Organization of the United Nations (hereinafter referred to as the Organization) sums not to exceed in the aggregate \$7,000,000. The President shall conclude an agreement with the Organization covering the loan herein authorized, which agreement shall incorporate the pertinent requirements contained in this joint resolution, and such additional requirements as the President may deem necessary to protect the interests of the Government of the United States. Such sums shall be expended only as authorized by the Organization for the construction and furnishing of the permanent headquarters of the Organization in the city of Washington, D. C., or in its vicinity, including the necessary architectural and engineering work, landscaping, and other appropriate improvements to the land and approaches and for other related purposes and expenses incident thereto.

Sec. 2. Such sums may be advanced by the Government of the United States upon the request of the Director General or other duly authorized officer of the Organization and upon the certification of the architect or engineer in charge of construction, countersigned by the Director General or other duly authorized officer, that the amount requested is required to cover payments for the purposes set forth in section 1 of this joint resolution which either (a) have been made at any time by the Organization, or (b) are due and payable, or (c) it is estimated will become due and payable within 60 days from the date of such request. All funds advanced under the authority of this joint resolution shall be receipted for on behalf of the Organization. All sums not used by the Organization for the purposes set forth in section 1 shall be returned to the Government of the United States when no longer required for said purposes. No amounts shall be advanced hereunder after January 1, 1954, or such later date, not later than June 30, 1959, as may be agreed to by the President.

Sec. 3. As a condition to the receipt of this loan or any part thereof, the Organization shall agree to repay without interest to the Government of the United States the princi-

pal amounts of all sums advanced hereunder in 30 approximately equal annual payments, in currency of the United States which is legal tender for public debts on the date such payments are made, beginning not later than 1 year after date of occupancy of the permanent headquarters, but in no event later than January 1, 1954, and continuing until the entire amount advanced has been repaid, except that the Organization may at any time make repayments to the Government of the United States in amounts in excess of such equal annual installments.

SEC. 4. The Organization shall agree, before any funds are made available by loan under this joint resolution for the construction of the permanent headquarters, that the land on which the construction is to take place, whether by the Government of the United States or otherwise, and the buildings thereon or to be constructed thereon, shall be made subordinate and subject to the first lien of the Government of the United States for the repayment of said loan. The Organization shall not, without the consent of the President, sell or otherwise dispose of all or any part of such land and buildings while any indebtedness incurred under the loan herein authorized is outstanding and unpaid. The Organization shall agree not to dispose of said lands and buildings at any time without first offering to dispose of the property to the Government of the United States on terms as favorable as those offered to others.

SEC. 5. The President is authorized to convey to the Organization in fee simple without cost part or all of the remaining portion of the former animal-disease station near Bethesda, Md., consisting of approximately 32 acres as a site for the permanent headquarters of the Organization. The President is further authorized to exchange such tract for a suitable tract of land in the city of Washington, D. C., or its vicinity, not owned by the Government, which may be offered by the Maryland National Capital Park and Planning Commission in exchange therefor, on such terms and conditions as the President may determine, and to convey to the Organization such substituted tract. After a suitable site has been made available under this joint resolution for the headquarters site, any part or all of the above-described animal-disease station tract remaining may be conveyed by the President to the Maryland National Capital Park and Planning Commission for park, playground, or parkway purposes, but if the tract at any time shall not be used for any of such purposes title thereto shall revert to the United States.

SEC. 6. Notwithstanding the provisions of any other law, the President is further authorized upon request of the Organization to utilize the facilities of the United States Government for the construction and furnishing in whole or in part of the headquarters of the Organization on the tract of land which is selected for such purpose under the terms of this joint resolution. For such work the President may, in such manner as may be agreed upon with the Organization, utilize funds available pursuant to this joint resolution for the loan to the Organization. Before any such funds may be utilized the President shall have concluded the agreement provided for in section 1 hereof. The President may allocate funds made available hereunder to any department, agency, or independent establishment of the Government for direct expenditure for the purposes of this section, and such expenditure may be made under the authority herein contained or under the authority governing similar expenditures of the department, agency, or independent establishment to which the funds are allocated.

SEC. 7. The Organization may use the loan provided by this joint resolution to establish its permanent headquarters in the city of Washington, District of Columbia, or its vicinity, jointly with one or more other spe-

cialized agencies of the United Nations, either in the same building or at the same site. The Organization may also offer for this joint purpose any site made available under section 5 of this joint resolution. The land and buildings in any such joint headquarters shall also be made subject to the provisions of section 4 hereof, except that in lieu of the lien required by section 4, the President may accept such other security for the loan which he may deem equally adequate.

SEC. 8. (a) There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, the sum of \$7,000,000 to accomplish the purposes of this joint resolution. Amounts received in repayment of such loan shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

(b) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to subsection (a) of this section, to make advances not to exceed in the aggregate \$3,500,000 to carry out the provisions of this joint resolution and of the loan agreement referred to in section 1 in such manner, and in such amounts, as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid, without interest, for advances made by it hereunder, from funds made available for the purposes of this joint resolution and of the loan agreement set forth in section 1.

SEC. 9. The President may carry out any of his functions under this joint resolution through such officers and agencies of the Government as he may designate.

The amendments were agreed to.

The VICE PRESIDENT. That completes the committee amendments. The joint resolution is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LEAVE OF ABSENCE

Mr. THYE asked and was granted leave to be absent from the Senate after this evening.

AMENDMENT OF INDEPENDENT OFFICES APPROPRIATION ACT

Mr. McMAHON. Mr. President, I ask unanimous consent that the Senate take up for immediate consideration Senate bill 2668, which is a bill to amend the Independent Offices Appropriations Act, in respect to a provision pertaining to atomic energy. I may add that the bill has the unanimous approval of the Joint Committee on Atomic Energy. The ranking Republican member [Mr. HICKENLOOPER] is, I believe, in the Chamber. The Senator from Colorado [Mr. MILLIKIN] is also present. It was unanimously reported to the Senate.

The VICE PRESIDENT. The bill has just been reported today, and is not on the calendar. Will the Senator send to the desk a copy, so the clerk may state the bill by title and it can be ascertained whether there is objection.

Mr. WHERRY. Mr. President, I am in complete sympathy with what the distinguished Senator from Connecticut is

attempting to do, but I am quite satisfied that the majority leader, if we cannot finish the calendar tonight, will probably have it called tomorrow, and I should like not to be in a position, if we grant the request with reference to this bill, to have to grant similar requests in the case of a great many bills that are in the same category. I do not want to have to object. What I should like to have the distinguished Senator do is to ask that it be brought up for consideration tomorrow at the time we have a call of the calendar.

Mr. McMAHON. If I thought I could get it through the House, that would be quite all right with me.

Mr. WHERRY. I think that is possible.

Mr. McMAHON. I should like to call the Senator's attention to his statement that this is in the same category as a great many other bills. Unfortunately it is not. The amendment, I may say to the Senator, is designed to accelerate by from 3 to 4 months the construction program of the Atomic Energy Commission. I merely want to make sure that the adjournment of Congress will not result in the program being delayed for 3 or 4 months. I feel confident the Senator from Nebraska would not want that to happen.

Mr. WHERRY. Mr. President, I inquire who has the floor?

Mr. McMAHON. I have the floor.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. WHERRY. I may have gone a little too far in saying it is in the category of a good many other bills. I did not have in mind the merits of the bill. I recently objected to another Senator's request to take up another bill, which has not been reported, but on which he says there is unanimous agreement. I asked whether he would not do that tomorrow, and he said he would. That is what I meant when I said the Senator's bill was at least in the category of many other bills. I assure the distinguished Senator from Connecticut we are going to have to go through many transactions tomorrow, on bills similar to this. I shall be glad to remain here until the business is consummated, so far as I am concerned.

The VICE PRESIDENT. Is that agreeable to the Senator from Connecticut?

Mr. McMAHON. I should very much like to have, and I do not mind taking it, the friendly advice of the Senator from Colorado, who understands the situation.

Mr. MILLIKIN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I should like to make one suggestion to the distinguished minority leader. In my opinion the passage of the bill by both Houses of Congress is very important to the national security. If the Senator can find it possible to give this bill special attention at this time, in order to assure its passage by the House, I believe it would be a service to the country.

COMPENSATION TO FORT BERTHOLD INDIANS, NORTH
DAKOTA, FOR LANDS TAKEN IN CONNECTION WITH
THE GARRISON DAM PROJECT

OCTOBER 19, 1949.—Ordered to be printed

Mr. MORRIS, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H. J. Res. 33]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and to the amendment of the Senate to the title of the joint resolution, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the Senate amendment insert the following: *That, if within six months from the date of its enactment the Three Affiliated Tribes of the Fort Berthold Reservation accept the provisions of this Act by an affirmative vote of a majority of the adult members, the sums herein provided for shall be made available as herein specified; and all right, title and interest of said tribes, allottees and heirs of allottees in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface) shall vest in the United States of America.*

SEC. 2. *The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), shall not lapse into the Treasury as provided therein, but shall be available*

for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the "Commissioner") for the following purposes:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area:

(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain in the Treasury to the credit of the tribes.

SEC. 3. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

SEC. 4. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have ninety days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

SEC. 5. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625: Provided, That if said sum should be inadequate to cover the purposes provided for in section 2 (a), (b) and (c) hereof, and such judgments as may be obtained in such proceedings, then the amount in excess of the said fund of \$5,105,625 shall be paid out of the \$7,500,000 provided for in section 12 hereof.

SEC. 6. In all proceedings instituted in accordance with section 5 of this Act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

SEC. 7. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

SEC. 8. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least three months prior thereto.

SEC. 9. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commission, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further conditions that the district engineer, Garrison district, shall serve notice of clearing at least three months prior thereto.

SEC. 10. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

SEC. 11. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

SEC. 12. In addition to the \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$7,500,000 less any part thereof that may be required to cover balance due said tribes or allottees or heirs as provided for in section 5 hereof shall, upon acceptance of the provisions of this Act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sums notwithstanding anything contained in this Act to the contrary shall be in full satisfaction of (1) all claims, rights, demands and judgments of said tribes or allottees or heirs thereof arising out of this Act and not compensated for out of the said \$5,105,625; (2) and of all other rights, claims, demands and judgments of said tribes, individual allottees or heirs thereof, of any nature whatsoever existing on the date of enactment of this Act, whether of tangible or intangible nature and whether or not cognizable in law or equity in connection with the taking of said land and the construction of said Garrison Dam Project.

SEC. 13. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 12 of this Act shall bear interest at 4 per centum per annum from the date of acceptance of this Act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe.

SEC. 14. When electric power is available from Garrison Dam project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as

if said tribes and members thereof were named in said Rural Electrification Act of 1936.

SEC. 15. The Taking Area is described as follows:

PART A—WITHIN RESERVATION BOUNDARIES

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the; and the Senate agree to the same.

TOBY MORRIS,
JOHN R. MURDOCK,
WESLEY A. D'EWART,
WM. LEMKE,

Managers on the Part of the House.

ROBERT S. KERR,
ERNEST W. McFARLAND,
ZALES N. ECTON,
ARTHUR V. WATKINS,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the three affiliated tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: Places to the credit of said tribes in the United States Treasury \$7,500,000 in addition to the \$5,105,625 fund appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Cong.), which sums shall, upon acceptance of the provisions of this joint resolution (H. J. Res. 33) by the tribes, be placed to the credit of said Indians in the Treasury of the United States and bear interest at the rate of 4 percent per annum from the date of such acceptance until disbursed, which sums shall be in full satisfaction of all claims, rights, and demands of said three affiliated tribes arising out of this act, whether of tangible or intangible nature and whether or not cognizable in law or in equity in connection with the taking of the said lands described in the joint resolution and the construction of the said Garrison Dam project, North Dakota.

That no part of the funds so appropriated or authorized to be appropriated shall be used for the payment of fees or expenses of any agent, attorney, or other representatives of any individual Indian or tribe. The attorney or attorneys are being compensated out of other tribal funds.

That a board of appraisal shall be appointed consisting of three members, one member to be designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers, who shall make appraisements of all elements of damages involved and the schedule of appraisement shall be transmitted to the tribal council and individual Indians as such appraisement affects their respective interests. The tribes and/or any individual Indian or Indians may reject such appraisal within 90 days.

That, if upon rejection of such appraisal, the Department of the Army will institute proceedings in the United States District Court for North Dakota for determination. The individual Indians may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them, without charge.

The tribes and the members thereof may use, salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the taking area without any deduction therefor in the appraisal schedule for a specified time. The district engineer will give notice of at least 6 months in advance of when impoundment of

waters may begin, which date specified in said notice shall not be earlier than October 1, 1953.

Amendment No. 2: The language embodied in amendment No. 1 is a substitute for the language stricken out by amendment No. 2, and the amendment of the Senate to the title of the joint resolution is agreed to.

TOBY MORRIS,
JOHN R. MURDOCK,
WESLEY A. D'EWART,
WM. LEMKE,

Managers on the Part of the House.



the Democratic Party in the State of Georgia.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article in this morning's Post entitled "Nourse on Way Out Lays Fire on Ills of Nation's Economy," by Alfred Friendly; and in another instance, to include an article by Hon. RALPH W. GWINN.

Mr. O'SULLIVAN asked and was given permission to extend his remarks in the RECORD in four instances and include extraneous matter.

Mrs. ST. GEORGE (at the request of Mr. SADLAK) was given permission to extend her remarks in the RECORD and include therewith a report.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in four instances and in each to include extraneous matter.

Mr. LECOMPTE asked and was given permission to extend his remarks in the RECORD and include some resolutions.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the RECORD and include an article from the Saturday Evening Post.

Mr. DEWART asked and was given permission to extend his remarks in the RECORD during the recess of the House in four instances and in each to include extraneous matter.

Mr. DOLLIVER asked and was given permission to extend his remarks in the RECORD and include a resolution of the Iowa Motor Truck Association.

Mr. FELLOWS asked and was given permission to extend his remarks in the RECORD.

Mr. SMITH of Kansas asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include the International Treaty outlawing the use of poisonous gases in war.

Mr. TOLLEFSON (at the request of Mr. MCGREGOR) was given permission to extend his remarks in the RECORD.

Mr. MCGREGOR asked and was given permission to extend his remarks in the RECORD.

Mr. HILL asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. FARRINGTON asked and was given permission to extend his remarks in the RECORD in two instances; in one to include a resolution of the Territorial Legislature, and in the other a speech by the former Delegate from Hawaii, Mr. King.

Mr. REES asked and was given permission to extend his remarks in the RECORD.

SPECIAL ORDERS GRANTED

Mr. REES asked and was given permission to address the House for 5 minutes today following the disposition of business on the Speaker's desk and the conclusion of special orders heretofore granted.

Mrs. ROGERS of Massachusetts asked and was given permission to address the

House for 5 minutes today, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore granted.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in five instances, in each to include extraneous matter.

Mr. COUDERT asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. WORLEY asked and was given permission to extend his remarks in the RECORD.

Mr. KUNKEL asked and was given permission to extend his remarks in the RECORD in two instances; in one to include a radio speech, and in the other to include certain comments and quotations.

Mr. HOEVEN asked and was given permission to extend his remarks in the RECORD in three instances; in each to include extraneous matter.

Mr. CORBETT asked and was given permission to extend his remarks in the RECORD and include a speech on the Constitution by Hon. Timothy Ryan, of the city of Pittsburgh.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD, notwithstanding the fact that it exceeds the limit set by the Joint Committee on Printing and is estimated by the Public Printer to cost \$225.50.

Mr. LODGE asked and was given permission to extend his remarks in the RECORD in three instances and to include extraneous material.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the RECORD and include some newspaper clippings during the adjournment of Congress.

Mr. DAVIS of Georgia asked and was given permission to extend his remarks in the RECORD in three instances and to include extraneous matter.

Mr. JACKSON of Washington asked and was given permission to extend his remarks in the RECORD and include a statement made by him before the House Foreign Affairs Committee.

THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.

Mr. MORRIS submitted the following conference report and statement on the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from three affiliated tribes of Fort Berthold Reservation, N. Dak., and other related purposes:

CONFERENCE REPORT (H. REPT. NO. 1458)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, and for other related purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate num-

bered 2 and to the amendment of the Senate to the title of the joint resolution, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following: "That, if within six months from the date of its enactment the Three Affiliated Tribes of the Fort Berthold Reservation accept the provisions of this Act by an affirmative vote of a majority of the adult members, the sums herein provided for shall be made available as herein specified; and all right, title and interest of said tribes, allottees and heirs of allottees in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface), shall vest in the United States of America.

"Sec. 2. The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), shall not lapse into the Treasury as provided therein, but shall be available for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the 'Commissioner') for the following purposes:

"(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area;

"(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

"(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

"Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain in the Treasury to the credit of the tribes.

"Sec. 3. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

"Sec. 4. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have ninety days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

"Sec. 5. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the

United States in such proceedings shall be charged against the said fund of \$5,105,625: *Provided*, That if said sum should be inadequate to cover the purposes provided for in section 2 (a), (b) and (c) hereof, and such judgments as may be obtained in such proceedings, then the amount in excess of the said fund of \$5,105,625 shall be paid out of the \$7,500,000 provided for in section 12 hereof.

"SEC. 6. In all proceedings instituted in accordance with section 5 of this Act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

"SEC. 7. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

"SEC. 8. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraised schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least three months prior thereto.

"SEC. 9. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further conditions that the district engineer, Garrison district, shall serve notice of clearing at least three months prior thereto.

"SEC. 10. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

"SEC. 11. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice may be claimed. The date established by such notification will not be earlier than October 1, 1952.

"SEC. 12. In addition to the \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$7,500,000 less any part thereof that may be required to cover balance due said tribes or allottees or heirs as provided for in section 5 hereof shall, upon acceptance of the provisions of this Act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sums notwithstanding anything contained in this Act to the contrary shall be in full satisfaction of (1) all claims, rights, demands and judgments of said tribes or allottees or heirs thereof arising out of this Act and not compensated for out of the said \$5,105,625; (2) and of all other rights, claims, demands, and judgments of said tribes, individual allottees or heirs thereof, of any nature whatsoever existing on the date of enactment of this Act, whether of tangible or intangible nature and whether or not cognizable in law or equity in connection with the taking of said land and the construction of said Garrison Dam Project.

"SEC. 13. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 12 of this Act shall bear interest at 4 per centum per annum from the date of acceptance of this Act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe.

"SEC. 14. When electric power is available from Garrison Dam project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as if said tribes and members thereof were named in said Rural Electrification Act of 1936.

"SEC. 15. The Taking Area is described as follows:

"PART A—WITHIN RESERVATION BOUNDARIES

"Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the"; and the Senate agree to the same.

TOBY MORRIS,
JOHN R. MURDOCK,
WESLEY A. D'EWART,
WM. LEMKE,

Managers on the Part of the House.

ROBERT S. KERR,
ERNEST W. MCFARLAND,
ZALES N. ECTON,
ARTHUR V. WATKINS,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 33) providing for the ratification by Congress of a contract for the purchase of certain Indian lands by the United States from the three affiliated tribes of Fort Berthold Reservation, N. Dak., and for other related purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: Places to the credit of said tribes in the United States Treasury \$7,500,000 in addition to the \$5,105,625 fund appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Cong.), which sums shall, upon acceptance of the provisions of this joint resolution (H. J. Res. 33) by the tribes, be placed to the credit of said Indians in the Treasury of the United States and bear interest at the rate of 4 per cent per annum from the date of such acceptance until disbursed, which sums shall be in full satisfaction of all claims, rights, and demands of said three affiliated tribes arising out of this act, whether of tangible or intangible nature and whether or not cognizable in law or in equity in connection with the taking of the said lands described in the joint resolution and the construction of the said Garrison Dam project, North Dakota.

That no part of the funds so appropriated or authorized to be appropriated shall be used for the payment of fees or expenses of any agent, attorney, or other representatives of any individual Indian or tribe. The attorney or attorneys are being compensated out of other tribal funds.

That a board of appraisal shall be appointed consisting of three members, one member to be designated by the Secretary of Agriculture, one member designated by the

Secretary of the Interior, and one member designated by the Chief of Engineers, who shall make appraisements of all elements of damages involved and the schedule of appraisal shall be transmitted to the tribal council and individual Indians as such appraisal affects their respective interests. The tribes and/or any individual Indian or Indians may reject such appraisal within 90 days.

That, if upon rejection of such appraisal, the Department of the Army will institute proceedings in the United States District Court for North Dakota for determination. The individual Indians may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them, without charge.

The tribes and the members thereof may use, salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the taking area without any deduction therefor in the appraisal schedule for a specified time. The district engineer will give notice of at least 6 months in advance of when impoundment of waters may begin, which date specified in said notice shall not be earlier than October 1, 1953.

Amendment No. 2: The language embodied in amendment No. 1 is a substitute for the language stricken out by amendment No. 2, and the amendment of the Senate to the title of the joint resolution is agreed to.

TOBY MORRIS,
JOHN R. MURDOCK,
WESLEY A. D'EWART,
WM. LEMKE,

Managers on the Part of the House.

Mr. MORRIS. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 33), and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

Mr. MILLER of Nebraska. Reserving the right to object, Mr. Speaker, may I ask what this bill is?

Mr. MORRIS. This is the conference report on House Joint Resolution 33, a resolution offered by the gentleman from North Dakota [Mr. LEMKE].

Mr. MILLER of Nebraska. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. MORRIS]?

There was no objection.

The Clerk read the statement.

Mr. MORRIS. Mr. Speaker, I do not care to take any great length of time on this matter, especially in these last hours, but the author of the bill, the gentleman from North Dakota [Mr. LEMKE], wishes to make a short statement and the gentleman from Montana [Mr. D'EWART] wishes to make a statement.

I now yield to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Speaker, this bill, if accepted by the three affiliated tribes located at Fort Berthold, will be in full and complete settlement for approximately 155,000 acres of valuable land in connection with the construction of the Garrison Dam in North Dakota. I do not consider it a just or moral settlement. We are again violating a treaty solemnly entered into with these tribes—a treaty in which we promised them never to disturb them again.

Unfortunately, the Indians have no choice. It is not a voluntary settlement. These Indians would pay the

Government a substantial sum if it would leave them alone and respect its treaty.

However, the dam is being constructed and they will have to accept this settlement or face eminent-domain proceedings which would mean years of litigation. They have to move now or their homes would be flooded and destroyed. I am sure they will accept this settlement because it is the only thing they can do. It is a legal settlement binding upon these Indians, but it is not a just settlement.

In taking these lands we are driving a hard bargain. Depriving these tribes of their land for less than its value. The subcommittee on Indian Affairs and the Public Lands Committee felt that these Indians made a showing that would have justified an appropriation of twenty million. The Bureau of Indian Affairs, however, recommended \$14,625,125. The Bureau, however, felt that that would be the best settlement that the Indians could get under all the circumstances.

We wish, however, to call attention that this \$12,605,625 is to be used exclusively for the purposes set forth in sections 2, 5, and 12 of this bill and for no other purposes. That no part of it shall be used for property destroyed that belongs to the Federal Government or for church or other property not belonging to the Indians or for any other governmental expenditures necessary in connection with the construction of the Garrison Dam and in carrying out the provisions of this settlement.

I am not criticizing any Member of Congress. I do criticize the system that this Government indulges in when it treats with the Indians. Here is a factory that produces food for 2,200 Indians—a factory that produced a net income last year of \$774,000. That alone capitalized at 4 percent equals about twenty million. Surely no one would voluntarily surrender an income of 4 percent on twenty million for less than twenty million cash.

In addition, there are undoubtedly several billion tons of lignite coal on this land. Lignite coal had little value some years ago, but it now sells for \$3.50 a ton at the mine and \$7.50 at Fargo, N. Dak. Made into briquettes it sells for \$19.50 a ton. In addition, there are many byproducts.

Mr. MORRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Montana [Mr. D'EWART].

Mr. D'EWART. Mr. Speaker, I have served as a member of the conference committee and hope the conference report will be adopted. However, this is not the right way to arrive at this kind of agreement.

This agreement proposes to settle with the Fort Berthold Indians because of damages to their reservation which was granted them under a treaty, because of the building of the Garrison Dam. I have visited this project and this Indian reservation and I know they are not being properly treated.

We propose to pay these Indians a sum of money to be determined finally by a board of three men. The wrong in this method is that negotiations with

the Indians were not started until after construction was actually begun on this project. A settlement has not yet been reached; and although these Indians are being faced with the prospect of being flooded out. Better ways could be found to reach this kind of agreement. Negotiations such as these are going to come up again in the case of the Indian salmon rights along the Columbia River; it is going to come up in the case of the Hardin project on the Crow Indian Reservation and in the case of the Souris project on the Fort Peck Reservation, in Montana, and many others.

These agreements have to be reached when we construct large irrigation projects on Indian reservations, but the negotiations should be started and concluded before construction begins.

I have signed this conference report, and I hope it will be adopted; but I also hope that in the future we shall treat these wards of the Government in a better way, a way which will recognize their treaty rights before we proceed to drown them out.

Mr. MORRIS. Mr. Speaker, I certainly do not desire to use any more of our valuable time in this matter unless it is absolutely necessary. In conclusion, as chairman of the conferees on the part of the House, I may say that I have studied this matter carefully, and as chairman of the Subcommittee on Indian Affairs of the Committee on Public Lands, I have also gone into it at great length. I am of the opinion that, in justice, this is not enough to the Indians involved; I think they ought to have more money than we are allowing them, but certainly what we are allowing them ought to be speeded on its way as soon as possible.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF COMMERCE

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 162) to provide basic authority for the performance of certain functions and activities of the Department of Commerce, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PRIEST, SAPOWSKI, and O'HARA of Minnesota.

REHABILITATION OF THE NAVAJO AND HOPI TRIBES OF INDIANS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2734) to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALLECK. Mr. Speaker, reserving the right to object, will the gentleman tell us what the bill is and whether or not it has been cleared with minority members of the committee?

Mr. MORRIS. Mr. Speaker, in explanation of this bill may I say that it is exactly the same bill as passed by this House and by the other body and sent to the President a few days ago with the objectionable feature that the President found in it, eliminated. He vetoed the original bill, that was passed by both bodies, because of the objectionable feature, according to his view of it, in such bill. That feature was, taking the Indians involved, the Navajos and Hopis, and putting them under the jurisdiction of the laws of the States affected—New Mexico, Arizona, and Utah. The President of the United States found that to be objectionable and vetoed the bill by reason thereof.

We have taken that feature out of the bill and the bill now is exactly the same bill that we passed, with that objection removed.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from New Jersey.

Mr. KEAN. Is the portion of the bill by which the Federal Government would pay certain social security taxes which normally would have been paid by the State of New Mexico and the other States taken out of the bill?

Mr. MORRIS. No. That remains in the bill. I may make the following explanation in regard to that particular feature. I realize that matter has been questioned by some Members of the House, but let me say, Mr. Speaker, that that particular feature, the social security angle, is intended only as a stop-gap, as a purely temporary emergency measure involving only these Indians and is not intended to set any precedent in regard to the whole problem all over the United States. It is intended only to take care of a situation that is acute, that is important, and I think is absolutely necessary in order to do justice to all parties involved.

Mr. KEAN. The gentleman says "temporary." Does this bill provide that it will be done for 1 or 2 years only?

Mr. MORRIS. No; it does not have that specific limitation in it, but the purpose is to bring about a temporary adjustment of the matter until this Congress can have time to give the subject full and careful consideration and determine what our policy shall be in regard to it.

Mr. KEAN. Mr. Speaker, I am forced to object to consideration of the bill at the present time.

Mr. MORRIS. Will the gentleman withhold his objection a moment?

Mr. KEAN. Yes.

Mr. MORRIS. Mr. Speaker, I would like very much to have a further explanation made by one or two of the interested Members. I yield to the gentleman from Arizona [Mr. MURDOCK] for a few words in regard to this matter.

Mr. MURDOCK. Mr. Speaker, because of the provision that we had concerning social security, I greatly regret that the bill relating to the welfare of the Navajo and Hopi Indians was vetoed. I know that there is a vast difference of opinion regarding social security for Indians. There are some who say that social security should be borne by each State for Indians as well as for all other citizens. However, that would place an unbearable burden on the States of Arizona and New Mexico, where there is a concentration of destitute Indians. Certainly they do need care from Congress.

I felt, when I introduced H. R. 1921, which was referred to the Committee on Ways and Means, that that was going as far as my young State would want to go. That provided for cooperation between the State of Arizona and the Federal Government in furnishing social security to Indians on the reservation. We had been furnishing it to others. I know that there are a great many people in Arizona who are taxpayers that do not want to go that far in burdening the State to care for Uncle Sam's wards. There have been numerous conferences between Dr. Altmeier and the Social Security Administration, and the delegations from Arizona and New Mexico in regard to social-security matters for our Indians. We have had a working agreement, and this legislation which the President vetoed simply embodied that legislation.

The working agreement was this: During the pendency of legislation adjusting this matter, it shall be handled as the vetoed bill provided, but now that provision is to be done away with since the bill has been vetoed unless we enact a new, revised bill as brought before us at this moment. This is going to cause great distress if not passed.

Let me say this, that there are many old people in the State of Arizona, and I presume in New Mexico, but in the State of Arizona there are more than 10,000 aged people, other than Indians, who are dependent upon their checks under social security. Now, if they are cut off from the Federal contribution it will mean that only the State portion shall be paid to them until we can provide other legislation. I feel that the Legislature of Arizona would not be willing that the Indians should be given full social security to the extent of 100 percent as under existing law. Our people feel that the Indians out there on that vast reservation have been neglected for 80 years. They are the responsibility of the Federal Government. Their state of health is very, very bad. We in Arizona cannot carry that burden. Therefore, if the State of Arizona, for instance, is found to be in noncompliance and the Federal contribution is thus shut off, more than 10,000 elderly people will have their checks reduced 50 percent, and the Indians will not be benefited at all.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. I yield to the gentleman from Pennsylvania.

Mr. RICH. I have heard that same story for the last 15 or 20 years since I have been a Member of this House. Fif-

teen or twenty years ago you fellows who are looking after the Indians said you wanted to make them self-supporting. You asked for additional appropriations, until today we are appropriating five times as much money for the Indians, when you said that in 4 or 5 years we would have the Indians self-supporting if we helped them then. Now you are going on and saying that we have not done anything for 80 years. I do not know where you get that stuff, because you are talking different than you did 4 or 5 or 10 years ago.

Mr. MURDOCK. The gentleman uses the word "you" in a very loose form. For 14 years I have stood in the well of this House asking the Congress to provide sufficient money to take care of those Indians, and they have never been properly taken care of. This bill that the President vetoed because of one provision embodies a splendid program for rehabilitation. I told my committee yesterday that if this bill does not become law, I do not expect to live to see the day when the Indians on this Navajo Reservation are properly taken care of as wards of the Government. Eighty years ago we promised them schools, and a teacher for every 30 pupils. We have neglected their health. They are oppressed with all kinds of diseases; trachoma, tuberculosis, malnutrition as well as social diseases. Arizona financially cannot step in now and furnish them full social security like other citizens. Legally no local official can step on the reservation. They are an obligation of the Federal Government and under Federal Government control. We as a Congress will be shirking our duty if we do not take proper care of them. If this bill does not pass, I shall expect appropriations at least equal in amount to be made just the same as called for under this 10-year program.

Mr. RICH. Why did the President veto this legislation?

Mr. MURDOCK. He vetoed it because he did not want State laws extended over those reservations. That was the full and only point of his veto message.

Mr. RICH. He vetoed it because it was a bad law and it should not pass.

Mr. MURDOCK. It was vetoed because of just one provision in the bill and we have removed that item in the bill now before us.

Mr. O'SULLIVAN. If the gentleman will yield, is it not a fact that this is not an expenditure of money, it is giving back to the Indians a small amount of money out of the enormous amount of money stolen from them by the pioneers of this country?

Mr. MURDOCK. That is one way to look at it.

I trust the gentleman will permit this bill to become law. It is a serious responsibility to block it.

Mr. REED of New York. If the gentleman will yield, I was surprised that the people who objected to my bill to give the Indians \$5,000 are here now wanting us to give the Indians of the West some money.

Mr. MORRIS. May I say to the gentleman from New York, let us not get sectional in regard to this matter. The

gentleman from New York knows I am for his bill. I have done everything I could to get his bill over. I think he has a good bill and I am for it. But let us not become sectional. Let us think about these three States out here in the West, Arizona, New Mexico, and Utah in the light of facts. They are very sparsely settled. The impact of 65,000 Indians upon them is quite an impact. Let us see the picture from their standpoint. Let us not get sectional on this. Let us not thwart the progress of these Indians out there. Let us not get them caught in the middle of a controversy between us and the executive branch or somebody else.

I regret deeply that the President vetoed this bill. In my judgment, he should not have vetoed it. He just should not have done it. But he did, and he had that prerogative, of course. I regret that he did it. I think that he was sincere, of course, but he should not have vetoed it. But since he did veto it, there is just one proposition for us to consider at this time, that is, whether or not this present bill is good legislation. I think it is excellent legislation. Let us think about these poor Indians out there. We have another winter coming on. They need food and they need clothing. Let us not hold this against the Indians. Let us not forget them. Let us think a little bit about Utah, New Mexico, and Arizona. This bill does not mean anything to me personally but I do want to make a fight for these people who are involved here. I want to make a fight for what I think is justice in this matter.

Mr. REED of New York. If the gentleman will yield, I am not objecting to this bill.

Mr. MORRIS. I thank the gentleman. I appreciate that. I hope there will be no objection to this bill. I do not see how anybody could figure that we cannot straighten out a little later any problem that you have raised. I am sure we can.

I agree with the gentleman from Wisconsin that this kind of legislation probably ought to be applied to all the States in the Union, my good State of Oklahoma and other States, but, just because we cannot get it applied to our States now, let us not hold it against these States that can get it applied. This is not a change from what the program actually is now. The program now is that they are working along this particular line with some sort of arrangement out there that it seems had to be made in order to be just to these people.

Mr. KEEFE. If the gentleman will yield, let me ask the gentleman if there is anything emergent in the situation in Arizona and New Mexico that will affect these Indians at the present time or in the next number of months that this bill will correct.

Mr. MORRIS. Yes. We will be back here in January in dead winter. If we get this authorization bill over now I feel certain the Committee on Appropriations will give them some money to live on out there this winter for food and clothing, and also for other purposes. But if we do not get this authorization bill over now I do not know whether or not they will get one thin dime that is

[PUBLIC LAW 437—81ST CONGRESS]

[CHAPTER 790—1ST SESSION]

[H. J. Res. 33]

JOINT RESOLUTION

To vest title to certain lands of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, in the United States, and to provide compensation therefor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, if within six months from the date of its enactment the Three Affiliated Tribes of the Fort Berthold Reservation accept the provisions of this Act by an affirmative vote of a majority of the adult members, the sums herein provided for shall be made available as herein specified; and all right, title and interest of said tribes, allottees and heirs of allottees in and to the lands constituting the Taking Area described in section 15 (including all elements of value above or below the surface) shall vest in the United States of America.

SEC. 2. The fund of \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), shall not lapse into the Treasury as provided therein, but shall be available for disbursement under the direction of the Commissioner of Indian Affairs, Bureau of Indian Affairs, United States Department of the Interior (hereinafter called the "Commissioner") for the following purposes:

(a) Payment for tribal and allotted Indian lands and improvements, including heirship interests, and values above and below the surface, within the Taking Area;

(b) Costs of relocating and reestablishing the members of the tribes who reside within the Taking Area; and

(c) Costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines within the Taking Area.

Any unexpended balance remaining from the said fund of \$5,105,625 after the completion of the purposes set forth in subsections (a), (b), and (c) shall remain in the Treasury to the credit of the tribes.

SEC. 3. There is hereby established a board of appraisal which shall consist of one member designated by the Secretary of Agriculture, one member designated by the Secretary of the Interior, and one member designated by the Chief of Engineers. It shall be the duty of the board to prepare an appraisal schedule of the tribal and individual allotted lands and improvements, including heirship interests, located within the Taking Area. In the preparation thereof, the board shall determine the fair value of the land and improvements, giving full and proper weight to the following elements of appraisal: Value of any tract of land, whether full interest or partial interest, including value of standing timber, mineral rights, and the uses to which the lands are reasonably adapted. Upon completion of the said schedule of appraisal it shall be submitted to the Chief of Engineers.

SEC. 4. Upon receipt of such schedule of appraisal by the Chief of Engineers, he shall transmit to the tribal council the schedule of appraisal in its entirety and such portions of the said schedule to individual Indians as relate to their respective interests. The tribal council and the interested individual Indians shall have ninety days from the date of receipt of such schedule of appraisal in which to present to the Commissioner their objections, if any, for consideration and action thereon.

SEC. 5. The right of the tribes and of the allottees and heirs of allottees to accept or reject the appraisal covering their respective property is reserved to them. Upon the rejection of the appraisal affecting the lands or the respective interests, the Department of the Army shall institute proceedings in the United States District Court for North Dakota for the purpose of having the just compensation for such property judicially determined. Any judgment entered against the United States in such proceedings shall be charged against the said fund of \$5,105,625: *Provided*, That if said sum should be inadequate to cover the purposes provided for in section 2 (a), (b) and (c) hereof, and such judgments as may be obtained in such proceedings, then the amount in excess of the said fund of \$5,105,625 shall be paid out of the \$7,500,000 provided for in section 12 hereof.

SEC. 6. In all proceedings instituted in accordance with section 5 of this Act, individual members of the tribes may request the Commissioner of Indian Affairs to designate attorneys of the Bureau of Indian Affairs to represent them.

SEC. 7. The amount determined to be due the individual allottees and other individual Indians shall be deposited to the credit of such individual Indians in their individual Indian money accounts.

SEC. 8. The tribes and the members thereof may salvage, remove, reuse, sell, or otherwise dispose of all or any part of their improvements within the Taking Area without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the district engineer, Garrison district, may not enter for the purpose of clearing the said improvements until at least October 1, 1952, and subject further to the condition that the district engineer shall serve notice of such purpose at least three months prior thereto.

SEC. 9. The tribes and the members thereof shall have the privilege of cutting timber and all forest products and removing sand and gravel, and may use, sell, or otherwise dispose of the same until at least October 1, 1950, without any deduction therefor in the appraisal schedule to be prepared by the Commissioner, subject to the condition that the said date may be adjusted to a later date by the Chief of Engineers on the request of the Commissioner, and subject to the further conditions that the district engineer, Garrison district, shall serve notice of clearing at least three months prior thereto.

SEC. 10. The tribes and the members thereof may remove, sell, or otherwise dispose of lignite until such date as the district engineer, Garrison district, fixes for the impoundment of waters.

SEC. 11. The district engineer, Garrison district, will give notice at least six months in advance of the date on or after which impoundment of waters may begin, and no damage for loss of life or property due to impoundment of waters on or after the date specified in said notice

may be claimed. The date established by such notification will not be earlier than October 1, 1952.

SEC. 12. In addition to the \$5,105,625 appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), the further sum of \$7,500,000 less any part thereof that may be required to cover balance due said tribes or allottees or heirs as provided for in section 5 hereof shall, upon acceptance of the provisions of this Act by the tribes, be placed to the credit of the tribes in the Treasury of the United States, which sums notwithstanding anything contained in this Act to the contrary shall be in full satisfaction of: (1) all claims, rights, demands and judgments of said tribes or allottees or heirs thereof arising out of this Act and not compensated for out of the said \$5,105,625; (2) and of all other rights, claims, demands and judgments of said tribes, individual allottees or heirs thereof, of any nature whatsoever existing on the date of enactment of this Act, whether of tangible or intangible nature and whether or not cognizable in law or equity in connection with the taking of said land and the construction of said Garrison Dam project.

SEC. 13. The fund of \$5,105,625, appropriated by the War Department Civil Appropriation Act, 1948 (Public Law 296, Eightieth Congress), and the fund provided for by section 12 of this Act shall bear interest at 4 per centum per annum from the date of acceptance of this Act until disbursed. No part of either of such funds shall be used for payment of the fees or expenses of any agent, attorney, or other representative of any individual Indian or tribe.

SEC. 14. When electric power is available from Garrison Dam project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as if said tribes and members thereof were named in said Rural Electrification Act of 1936.

SEC. 15. The Taking Area is described as follows:

PART A—WITHIN RESERVATION BOUNDARIES

Beginning at the Northwest corner of Section 6, Township 150 North, Range 93 West of the 5th P. M.; thence East to the West sixteenth line; thence South to the East and West quarter line; thence East to center of said Section; thence South to South quarter corner; thence East to the West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence North to South sixteenth line; thence East to East Section line; thence South to Southeast corner of said Section 6; thence West to West line of the East half of the East half of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 7; thence South to East and West quarter line; thence East to the East line of the West half of the Northwest quarter of the Southwest quarter of Section 8; thence South to South sixteenth line; thence East to the North and South quarter line; thence North to center of said Section; thence East to East Section line; thence South to South sixteenth line; thence West to the East sixteenth line; thence South to North sixteenth line of Section 17; thence East to the West sixteenth line of Section 16; thence North to North Section line; thence East to North quarter corner; thence South to center of said Section; thence East to East six-

teenth line of Section 15; thence South to South sixteenth line; thence West to North and South quarter line; thence South to North line of the South half of the Southeast quarter of the Southwest quarter ($S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line; thence South to the South Section line; thence West to the Southwest corner of Section 15; thence South to North sixteenth line of Section 22; thence East to North and South quarter line; thence North to the North line of the South half of the Northwest quarter of the Northeast quarter ($S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$), thence East to East sixteenth line; thence North to the North line of Section 22; thence East to West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 15; thence North to the South sixteenth line; thence East to West sixteenth line of Section 14; thence South to the South Section line; thence West to the Southwest corner of said Section 14; thence South to the North sixteenth line of Section 23; thence East to the West sixteenth line; thence South to the South sixteenth line; thence East to the East sixteenth line; thence North to the North sixteenth line; thence East to the East Section line; thence North to the Northeast corner of Section 23; thence East to the East line of the West half of the East half of the Northwest quarter of Section 24; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southwest quarter; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to the East quarter corner of Section 24, Township 150 North, Range 93 West of the 5th P. M.; thence East to West sixteenth line of Section 19, Township 150 North, Range 92 West of the 5th P. M.; thence South to North sixteenth line of Section 30; thence East to East line of Section 30; thence South to the North line of the South half of the Southwest quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 29; thence East to the West sixteenth line; thence North to the South line of the North half of the Northwest quarter of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West to the West Section line; thence North to South sixteenth line of Section 20; thence East to the West sixteenth line; thence South to South Section line; thence East to the East sixteenth line; thence North to the East and West quarter line; thence East to the East quarter corner of Section 20; thence South to the West quarter corner of Section 28; thence East to center of said Section; thence South to South sixteenth line; thence East to the East Section line; thence South to the Southeast corner of Section 28; thence East to the East sixteenth line of Section 34; thence South to the North sixteenth line; thence East to West sixteenth line of Section 35; thence North to the North Section line; thence East to the North quarter corner of Section 35; thence North to the center of Section 26; thence East to the East sixteenth line; thence North to South sixteenth line of Section 23; thence West to the North and South quarter line; thence North to the North sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Northwest quarter ($E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence North to South sixteenth line of Section 14; thence East to the North and South quarter line; thence South to South Section line; thence East to West sixteenth line of Section 13; thence North to South sixteenth line; thence East to North and South quarter line; thence South to South quarter corner; thence East to the East

sixteenth line; thence North to South sixteenth line; thence East to East line of Section 13, Township 150 North, Range 92 West of the 5th P. M.; thence North to the West quarter corner of Section 18, Township 150 North, Range 91 West; thence East to the West sixteenth line; thence North to North sixteenth line; thence East to East sixteenth line; thence North to the North Section line; thence West to the North quarter corner of Section 18; thence North to South sixteenth line of Section 7; thence East to the East Section line; thence North to the Northeast corner of Section 7; thence West to South quarter corner of Section 6; thence North to center of Section 6; thence West to West sixteenth line; thence North to North line of Section 6; thence East along Township line between Townships 150 & 151 North to the Northwest corner of Section 1; thence South to West quarter corner; thence East to West sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line; thence South to South Section line; thence East to Southeast corner of Section 1, Township 150 North, Range 91 West of 5th P. M.; thence South to the North line of the South half of Lot 2 of Section 7, Township 150 North, Range 90 West of the 5th P. M.; thence East to the West line of the East 20 acres of Lot 2; thence South to the East and West quarter line; thence West to the West quarter corner; thence South to the Southwest corner of Section 7; thence East to the West line of the East 20 acres of Lot 1 of Section 18; thence South to South line of said Section 18; thence East to the West sixteenth line of Section 19; thence South to North sixteenth line; thence West to West Section line; thence South to Southwest corner; thence East to the South quarter corner; thence North to center of Section; thence East to East quarter corner; thence South to North sixteenth line of Section 29; thence East to North and South quarter line; thence South to center of Section; thence West to West quarter corner of Section 29; thence South to South sixteenth line of Section 30; thence West to West sixteenth line; thence South to the South line of Section 31, Township 150 North, Range 90 West of the 5th P. M.; thence South along the West sixteenth line of Section 6, Township 149 North, Range 90 West of the 5th P. M. to the South line of said Section 6; thence East to North quarter corner of Section 7; thence South to South sixteenth line; thence East to the West sixteenth line of Section 8; thence North to East and West quarter line; thence West to West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to the North line of the Southeast quarter of the Northwest quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$); thence South to North sixteenth line; thence East to the West line of the East half of the Northwest quarter of the Northeast quarter ($E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence North to the North Section line; thence East to the Northeast corner of Section 8; thence North to South sixteenth line of Section 4; thence East to West sixteenth line; thence North to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence East to East sixteenth line; thence South to North sixteenth line of Section 9; thence East to East line of Section 9; thence South to South sixteenth line of Section 10; thence East to West

sixteenth line; thence North to North Section line; thence East to East sixteenth line; thence South to East and West quarter line; thence East to East quarter corner of Section 10; thence South to South sixteenth line of Section 11; thence East to West sixteenth line of Section 11; thence South to South Section line; thence East to East sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of Section 11; thence South to South sixteenth line of Section 12; thence East to East Section line; thence South to North sixteenth line of Section 13; thence West to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to the East and West quarter line; thence West to the East sixteenth line; thence South to South line of Section 13; thence East to the East line of the West half of the Northeast quarter of the Northeast quarter ($W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$) of Section 24; thence South to the North sixteenth line; thence West to the West sixteenth line; thence North to the North Section line; thence West to the Northwest corner of Section 24; thence South to the North sixteenth line of Section 23; thence West to North and South quarter line; thence North to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$); thence West to the North and South quarter line of Section 22; thence South to center of Section; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to East sixteenth line of Section 21; thence South to East and West quarter line; thence West to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of Section 21; thence South to North sixteenth line of Section 27; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence West to North and South quarter line of Section 28; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to West Section line; thence South to West quarter corner of Section 33; thence East to West sixteenth line; thence South to South line of Section 33, Township 149 North, Range 90 West of the 5th P. M.; thence East along North line of Section 1, Township 148 North, Range 91 West of the 5th P. M. to the Northeast corner; thence South to South sixteenth line; thence West to East sixteenth line; thence South to East and West quarter line of Section 12; thence West to center of Section; thence South to South Section line; thence West to East sixteenth line of Section 14; thence South to East and West quarter line; thence West to East line of the West half of the Northwest quarter of the Southeast quarter ($W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line; thence West to North and South quarter line; thence South to South quarter corner; thence East to Southeast corner of Section 14; thence South to North sixteenth line of Section 24; thence East to West sixteenth line; thence South to East and West quarter line; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of Section 24, Township 148 North, Range 91 West of the 5th P. M.; thence South to West quarter corner of Section 19, Township 148 North, Range 90 West of the 5th P. M.; thence East to center of Section; thence South

to South sixteenth line; thence East to East line of Section 19; thence North to North sixteenth line of Section 20; thence East to North and South quarter line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to the East line of the West half of the Northwest quarter of the Northwest quarter ($W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$) of Section 28; thence South to North sixteenth line; thence East to the North and South quarter line; thence North to the South sixteenth line of Section 21; thence East to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to North sixteenth line; thence East to the East sixteenth line; thence South to East and West quarter line; thence East to the East quarter corner; thence South to the North sixteenth line of Section 27; thence East to the West sixteenth line; thence South to East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to North section line; thence East to West sixteenth line of Section 26; thence South to East and West quarter line; thence East to East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of Section 26; thence North to the West quarter corner of Section 25; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 25, Township 148 North, Range 90 West of the 5th P. M.; thence North to South sixteenth line of Section 30, Township 148 North, Range 89 West of the 5th P. M.; thence East to West sixteenth line; thence South to North sixteenth line of Section 31; thence West to West Section line; thence South to Southwest corner; thence East to West sixteenth line; thence North to East and West quarter line; thence East to East sixteenth line; thence North to North sixteenth line; thence East to the East line of Section 31; thence South to South sixteenth line of Section 32; thence East to North and South quarter line; thence South to South quarter corner; thence East to East sixteenth line; thence North to South sixteenth line; thence East to East Section line; thence South to Southeast corner of Section 32, Township 148 North, Range 89 West of the 5th P. M.; thence West to the West line of the East half of Lot 1 of Section 5, Township 147 North, Range 89 West of the 5th P. M.; thence South to East and West quarter line; thence East to West sixteenth line of Section 4; thence North to North sixteenth line; thence East to East line of Section 4; thence South to South sixteenth line of Section 3; thence East to West sixteenth line; thence South to South line of Section 3; thence East to the East line of the West half of the Northwest quarter of the Northeast quarter of Section 10; thence South to North sixteenth line; thence East to the East sixteenth line; thence South to the East and West quarter line; thence East to East quarter corner of Section 10; thence South to South sixteenth line of Section 11; thence East to North and South quarter line of Section 12; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of Section 12; thence East to West sixteenth line of Section 1; thence North to South sixteenth line; thence West to West section line; thence North to North line of the South half of the Southwest quarter of the Northwest quarter

($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South quarter corner; thence East to Southeast corner of Section 1, Township 147 North, Range 89 West of the 5th P. M.; thence South to the North line of the South half of Lot 1 of Section 7, Township 147 North, Range 88 West of the 5th P. M.; thence East to the West sixteenth line; thence North to the North line of Section 7; thence East to the South quarter corner of Section 6; thence North to the North line of the South half of the Southwest quarter of the Southeast quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence East to the East sixteenth line; thence South to the South line of the North half of the Northwest quarter of the Northeast quarter ($N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 7; thence West to North and South quarter line; thence South to the North line of the South half of the North half of the Southeast quarter ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East Section line; thence North to the East quarter corner of Section 7; thence East to the West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$) of Section 8; thence North to the North sixteenth line; thence East to the North and South quarter line; thence North to the North quarter corner; thence East to the Northeast corner; thence South to the South line of the North half of the Northeast quarter of the Northeast quarter ($N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence West to East sixteenth line; thence South to the South line of the North half of the Southwest quarter of the Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter line; thence South to center of Section; thence West to the East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to the South line of Section 8; thence West to West sixteenth line of Section 17; thence South to the North line of the South half of the Northeast quarter of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to East sixteenth line; thence North to North line of Section 17; thence East to West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 8; thence North to South sixteenth line; thence East to East line of Section 8; thence South to North line of the South half of the South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 9; thence East to North and South quarter line; thence South to South quarter corner of Section 9; thence West to West sixteenth line of Section 16; thence South to North line of the South half of the Northwest quarter of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$); thence West to West Section line; thence South to North line of the South half of the Southwest quarter of the Northwest quarter ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence West to West sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 16; thence North to South sixteenth line of Section 15; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of Section 15; thence South to North sixteenth line of Section 14; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner of Section 14; thence North to North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 13; thence East to North and South quarter line; thence South to North

sixteenth line; thence East to East sixteenth line; thence North to North line of the South half of the Northeast quarter of the Northeast quarter ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East line of Section 13, Township 147 North, Range 88 West of the 5th P. M.; thence North to West quarter corner of Section 7, Township 147 North, Range 87 West of the 5th P. M.; thence East to center of Section; thence North to North quarter corner; thence East to East sixteenth line; thence South to East and West quarter line; thence East to East quarter corner of Section 7; thence North to North line of the South half of the Southwest quarter of the Northwest quarter of Section 8; thence East to West sixteenth line; thence North to North sixteenth line; thence East to West line of the East half of the Northeast quarter of the Northwest quarter ($E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence North to North Section line; thence East to East line of the West half of the Northwest quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line; thence West to North and South quarter line; thence South to center of Section; thence West to East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence East to East sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northeast quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence South to Southeast corner of Section 8; thence East to South quarter corner of Section 9; thence North to North line of the South half of the North half of the Southeast quarter ($S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 9; thence South to South sixteenth line of Section 10; thence East to the East line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the Southeast quarter of the Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence East to East sixteenth line; thence North to South sixteenth line; thence East to the East line of the West half of the Southwest quarter of the Southwest quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; thence South to the South line of the Northwest quarter of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$) of Section 14; thence West to the East line of the Southwest quarter of the Northeast quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$) of Section 15; thence South to the East and West quarter line; thence East to East quarter corner of Section 15; thence South to the North line of the South half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$) of Section 14; thence East to North and South quarter line; thence South to the North line of the South half of the South half of the Southeast quarter ($S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$); thence East to the East line of Section 14; thence North to the South sixteenth line of Section 13; thence East to the West line of the East half of the Northwest quarter of the Southwest quarter ($E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence East to an intersection with the East boundary of the Fort Berthold Indian Reservation, as surveyed, at a point 2,321 feet West of the East quarter corner of Section 13, Township 147 North, Range 87 West of the 5th P. M.; thence South 25° West along said Reservation Boundary Line, as surveyed, to the low water line of the right bank of the Missouri River; thence upstream along said low water line of the right bank of the Missouri River to a point 1,663 feet North and 1,305 feet West of the

East quarter corner of Section 1, Township 146 North, Range 88 West of the 5th P. M., said point being on the East boundary of the Ft. Berthold Indian Reservation, as surveyed; thence South $53^{\circ} 09'$ West along said Reservation Boundary, as surveyed, to the East line of Section 16; thence North to the South sixteenth line of Section 10; thence East to West sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 10; thence North to North sixteenth line of Section 9; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner; thence North to Northeast corner of Section 8; thence West to East sixteenth line of Section 8; thence South to South line of Section; thence East to Southeast corner of Section 8; thence South to North sixteenth line of Section 16; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South on North and South quarter line to the Ft. Berthold Indian Reservation Boundary Line; thence South $53^{\circ} 09'$ West along said Boundary line to the Southeast corner of Section 17; thence West to the East sixteenth line of Section 18; thence North to the North line of Section 18; thence West to the West sixteenth line of Section 7; thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence West to the West line of Section 7, Township 146 North, Range 88 West of the 5th P. M.; thence West on North sixteenth line of Section 12, Township 146 North, Range 89 West of the 5th P. M. to the North and South quarter line; thence South to South sixteenth line; thence East to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence West to center of Section 11; thence South to North line of the South half of the North half of the Southwest quarter ($S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$); thence West to West Section line; thence North to West quarter corner of Section 11; thence West to East sixteenth line of Section 10; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 10; thence East to South quarter corner of Section 2; thence North to center of Section; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East section line; thence North to Northeast corner of Section 2; thence East to West sixteenth line of Section 1; thence South to North sixteenth line; thence East to North and South quarter line; thence South to the South line of the North half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$); thence East to East line of Section 1, Township 146 North, Range 89 West of the 5th P. M.; thence North to the South sixteenth line of Section 36, Township 147 North, Range 89 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to West quarter corner of Section 36; thence North to North sixteenth line of Section 35; thence West to West sixteenth line; thence North to North Section line; thence West to Southeast corner of Section 28; thence North to East quarter corner; thence West to the West line of the East half of the Northwest quarter of the

Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line; thence West to East line of the West half of the Northeast quarter of the Southwest quarter ($W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West quarter corner of Section 28; thence North to North sixteenth line of Section 29; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of Section 29; thence East to South quarter corner of Section 20; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 19; thence North to East and West quarter line; thence West to center of Section; thence South to South sixteenth line; thence West to the East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to the Southwest corner of Section 19, Township 147 North, Range 89 West of the 5th P. M.; thence West to North quarter corner of Section 25, Township 147 North, Range 90 West of the 5th P. M.; thence South to North Sixteenth line; thence East to East Section line; thence South to East quarter corner; thence West to the East line of the West half of the East half of the Southwest quarter ($W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$); thence South to South Section line; thence West to South quarter corner of Section 26; thence North to South sixteenth line; thence West to the West Section line; thence South to Southwest corner of Section 26; thence West to South quarter corner of Section 27; thence North to center of Section; thence East to East quarter corner of Section 27; thence North to North sixteenth line of Section 26; thence East to North and South quarter line; thence North to center of Section 23; thence West to West sixteenth line; thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of Section 23; thence East to Southeast corner of Section 14; thence North to East quarter corner; thence West to East sixteenth line; thence North to North sixteenth line; thence West to North and South quarter line; thence South to center of Section; thence West to West quarter corner of Section 14; thence North to North sixteenth line of Section 15; thence West to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence North to North sixteenth line; thence West to West line of Section 15; thence South to South sixteenth line of Section 16; thence West to East sixteenth line; thence South to South Section line; thence West to South quarter corner; thence North to North quarter corner; thence West to West sixteenth line; thence South to East and West quarter line; thence West to West quarter corner of Section 16; thence South to North sixteenth line of Section 20; thence West to East sixteenth line; thence North to North Section line; thence West to North quarter corner; thence South to North sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line of Section 17; thence West to West quarter corner of said Section 17; thence North to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 18; thence West to North and South quarter line; thence North to North quarter corner; thence

East to Northeast corner of Section 18; thence North to South sixteenth line of Section 7; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East 20 acres of Lot 5; thence South to South section line; thence West to Southwest corner of Section 7, Township 147 North, Range 90 West of the 5th P. M.; thence West along South line of Section 12, Township 147 North, Range 91 West of the 5th P. M. to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence North to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence West to the East line of the West half of the Northwest quarter of the Southwest quarter ($W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$); thence South to South sixteenth line; thence West to the West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section 11; thence North to East and West quarter line; thence East to East sixteenth line; thence North to North sixteenth line; thence East to East Section line; thence North to Northeast corner of Section 11; thence West to the West line of the East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence North to South sixteenth line; thence West to East sixteenth line; thence North to East and West quarter line; thence West to East sixteenth line of Section 3; thence North to North sixteenth line; thence West to North and South quarter line; thence North to North quarter corner; thence West to Northwest corner; thence South to West quarter corner; thence East to West sixteenth line; thence South to South sixteenth line of said Section; thence West to North and South quarter line of Section 4; thence North to North sixteenth line; thence West to West Section line; thence South to West quarter corner of Section 4; thence West to center of Section 5; thence South to South sixteenth line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West line of Section 5; thence South to East quarter corner of Section 6; thence West to East sixteenth line; thence North to North line of said Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence North on East sixteenth line of Section 31, Township 148 North, Range 91 West of the 5th P. M. to East and West quarter line; thence West to West quarter corner; thence South to South sixteenth line; thence East to West sixteenth line; thence South to South line of Section 31, Township 148 North, Range 91 West of the 5th P. M.; thence East to North quarter corner of Section 6, Township 147 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West section line; thence South to West quarter corner; thence East to the West line of the East 20 acres of Lot 6; thence South to South line of Section 6; thence East to West sixteenth line of Section 7; thence South to East and West quarter line; thence East to center of Section; thence South to South quarter corner; thence West to Southwest corner of Section 7, Township 147 North, Range 91 West of the 5th P. M.; thence West on North line of Section 13, Township 147 North, Range 92 West of the 5th P. M. to the East sixteenth line; thence South to East and West quarter line; thence West to West quarter corner; thence North to North West corner of Section 13; thence East to West sixteenth line of Section 12; thence North to North Section line; thence West to Southeast corner of Section 3; thence North to East quarter corner; thence West to the West line of the East half of the

Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth line; thence West to the East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West sixteenth line; thence South to South sixteenth line; thence West to East sixteenth line of Section 4; thence North to North sixteenth line; thence West to East line of the West half of the Southeast quarter of the Northwest quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence South to South sixteenth line; thence West to West sixteenth line; thence South to South Section line; thence East to South quarter corner of Section 4; thence South to North sixteenth line of Section 9; thence West to West sixteenth line; thence South to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to North and South quarter line; thence South to South quarter corner of Section 9; thence West to West sixteenth line of Section 16; thence South to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter of Section 17; thence North to North line of said Section 17; thence West to East sixteenth line of Section 8; thence North to South sixteenth line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence West to center of Section; thence South to South sixteenth line of Section 17; thence East to East sixteenth line; thence South to North line of the South half of the Southeast quarter of the Southeast quarter ($S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$); thence East to East Section line; thence South to Southeast corner; thence West to South quarter corner of Section 17; thence South to North sixteenth line of Section 20; thence East to East sixteenth line; thence South to East and West quarter line; thence West to center of Section; thence South to South quarter corner of Section 20; thence East to East line of the West half of the Northwest quarter of the Northeast quarter ($W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$) of Section 29; thence South to South line of the Northwest quarter of the Southwest quarter of the Northeast quarter ($NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$); thence West to North and South quarter line; thence South to South sixteenth line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to the Southeast corner of Section 29; thence South to West quarter corner of Section 33; thence East to West sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line; thence North to center of Section; thence East to the East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of Section 33, Township 147 North, Range 92 West of the 5th P. M.; thence East to Northwest corner of Section 3, Township 146 North, Range 92 West of the 5th P. M.; thence South to North line of the South half of the South half of the North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$), thence East to East Section line; thence South to East quarter corner of said Section 3; thence East to West sixteenth line of Section 2; thence South to South sixteenth line; thence East to West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to the North line of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 11; thence West to West Sec-

tion line; thence North to South line of the North half of the South half of the South half ($N\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of Section 3; thence West to West line of said Section 3; thence North to South sixteenth line of Section 4; thence West to North and South quarter line; thence North to center of Section; thence West to West sixteenth line; thence South to South sixteenth line; thence West to West Section line; thence South to Southwest corner of Section 4; thence West to West line of the East half of the Southwest quarter of the Southeast quarter ($E\frac{1}{2}SW\frac{1}{4}-SE\frac{1}{4}$) of Section 5; thence North to South sixteenth line; thence East to West line of the East half of the Northeast quarter of the Southeast quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to North Section line; thence West to Northwest corner of Section 5, Township 146 North, Range 92 West of the 5th P. M.; thence North to the South line of the North half of the South half of the Southeast quarter ($N\frac{1}{2}S\frac{1}{2}-SE\frac{1}{4}$) of Section 31, Township 147 North, Range 92 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to Southwest corner of Section; thence North on the West line of said Section 31, Township 147 North, Range 92 West of the 5th P. M. to an intersection with the low water line of the Little Missouri River at the left or North bank of said stream; thence upstream in a Northwesterly direction with said low water line of the left bank, a distance of approximately 23 miles to an intersection with the North and South quarter line of Section 34, Township 148 North, Range 95 West of the 5th P. M.; thence North along said quarter line to the North quarter corner of said section; thence East to Northeast corner of Section 34; thence South to North sixteenth line of Section 35; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence South to Southeast corner of Section 35, Township 148 North, Range 95 West of the 5th P. M.; thence East to North quarter corner of Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence South to center of Section; thence East to East quarter corner of and Section 1, Township 147 North, Range 95 West of the 5th P. M.; thence East to West sixteenth line of Section 5, Township 147 North, Range 94 West of the 5th P. M.; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of Section 5; thence South to North sixteenth line of Section 17; thence West to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 17; thence South to West quarter corner of Section 21; thence East to center of Section; thence North to North sixteenth line; thence East to East sixteenth line; thence North to North Section line of Section 21; thence East to South quarter corner of Section 14; thence North to South line of the North half of the Northeast quarter of the Southwest quarter ($N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence West to West sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northwest quarter ($S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence East to North and South quarter line; thence South to center of Section; thence East to East sixteenth line of Section 13; thence South to South sixteenth line; thence East to East section line; thence South to Southeast corner of said Section 13, Township 147 North, Range 94 West of

the 5th P. M.; thence East to South quarter corner of Section 18, Township 147 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence East to East line of the West half of the Southwest quarter of the Southeast quarter ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$); thence South to South Section line; thence East to Southeast corner of said Section 18; thence South to South sixteenth line of Section 20; thence East to East Section line; thence South to the North line of the South half of the North half of the Northwest quarter ($S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$) of Section 28; thence East to North and South quarter line; thence South to North sixteenth line; thence East to the East line of the West half of the Southeast quarter of the Northeast quarter ($W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to West sixteenth line of Section 27; thence North to North Section line; thence East to North quarter corner; thence South to center of Section; thence East to East sixteenth line; thence South to South sixteenth line; thence East to North and South quarter line of Section 26; thence North to center of Section; thence East to East sixteenth line; thence North to North sixteenth line; thence East to East line of said Section 26; thence South to South sixteenth line of Section 25; thence East to East line of said Section 25, Township 147 North, Range 93 West of the 5th P. M.; thence East along the South sixteenth line of Section 30, Township 147 North, Range 92 West of the 5th P. M. to the North and South quarter line; thence North to center of Section 19; thence East to East sixteenth line; thence North to North Section line; thence West to Northwest corner of said Section 19, Township 147 North, Range 92 West of the 5th P. M.; thence West to South quarter corner of Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to center of Section; thence East to East quarter corner of said Section 13, Township 147 North, Range 93 West of the 5th P. M.; thence North to North sixteenth line of Section 7, Township 147 North, Range 92 West of 5th P. M.; thence East to West sixteenth line; thence North to South sixteenth line of Section 6; thence East to East sixteenth line; thence North to East and West quarter line; thence West to West line of said Section 6, Township 147 North, Range 92 West of the 5th P. M.; thence South to South sixteenth line of Section 1, Township 147 North, Range 93 West of the 5th P. M.; thence West to North and South quarter line; thence South to South quarter corner; thence West to West sixteenth line; thence North to South sixteenth line; thence West to West line of said Section 1; thence North to South line of the North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) of Section 2; thence West to East sixteenth line; thence North to North line of the South half of the Southeast quarter of the Northeast quarter ($S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section Line; thence North to Northeast corner of said Section 2, Township 147 North, Range 93 West of the 5th P. M.; thence West to South quarter corner of Section 35, Township 148 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence West to West Section line; thence North to West quarter corner of said Section 35; thence West to center of Section 34; thence North to North quarter corner; thence East to North quarter corner of Section 35; thence South to center of Section; thence East to West sixteenth line of Section 36; thence South to South Section line; thence East to Southeast corner of said Section

36, Township 148 North, Range 93 West of the 5th P. M.; thence North to the North line of the South half of the South half of the Southwest quarter ($S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$) of Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to South quarter corner; thence East to South quarter corner of Section 32; thence North to South sixteenth line; thence West to East sixteenth line of Section 31; thence North to East and West quarter line; thence East to East quarter corner of said Section 31; thence North to North line of the South half of the South half of the North half ($S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Section 32; thence East to East Section line; thence North to South line of the North half of the North half of the North half ($N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}$); thence West to East sixteenth line of Section 31; thence North to North Section line; thence West to Northwest corner of said Section 31, Township 148 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line of Section 25, Township 14 North, Range 93 West of the 5th P. M.; thence West to East sixteenth line; thence North to East and West quarter line; thence West to center of Section; thence North to North quarter corner of said Section 25; thence West to West sixteenth line of Section 24, thence North to North line of the South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence East to East Sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 24, Township 148 North, Range 93 West of the 5th P. M.; thence South to the North line of the South half of Lot 2, Section 30, Township 148 North, Range 92 West of the 5th P. M.; thence East to North and South quarter line; thence South to center of Section; thence East to East quarter corner; thence North to Northeast corner of said Section 30; thence East to East line of the West half of the East half of the Northwest quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section 29; thence South to East and West quarter line; thence East to East sixteenth line of Section 28; thence South to South sixteenth line; thence East to West sixteenth line of Section 27; thence North to East and West quarter line; thence West to West quarter corner; thence North to Northwest corner of said Section 2; thence West to East sixteenth line of Section 21; thence North to East and West quarter line; thence East to West sixteenth line of Section 22; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner of said Section 22; thence South to North line of the South half of the North half of the Northeast quarter ($S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$) of Section 27; thence East to East line of said Section 27; thence South to North sixteenth line of Section 26; thence East to West line of the East half of the Southeast quarter of the Northwest quarter; thence South to South sixteenth line; thence West to the West sixteenth line; thence South to South Section line; thence East to East sixteenth line; thence North to South sixteenth line; thence East to East Section line; thence North to Northeast corner of said Section 26; thence East to Northeast corner of Section 25; thence North to South sixteenth line of Section 24; thence West to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 24, Township 148 North, Range 92 West of the 5th P. M.; thence South to North

sixteenth line of Section 19, Township 148 North, Range 91 West of the 5th P. M.; thence East to West sixteenth line; thence South to East and West quarter line; thence East to center of Section; thence South to South sixteenth line; thence East to the East Section line; thence South to the Southeast corner of said Section 19; thence East to South quarter corner of Section 20; thence North to North sixteenth line; thence West to West sixteenth line; thence North to South sixteenth line of Section 17; thence West to West Section line; thence North to North sixteenth line; thence East to West sixteenth line; thence North to North line of said Section 17; thence West to the West line of the East half of the West half of the Southwest quarter ($E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$) of Section 8; thence North to East and West quarter line; thence East to center of Section; thence North to South line of the North half of the Southeast quarter of the Northwest quarter ($N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 8; thence West to South quarter corner of Section 6; thence North to South sixteenth line; thence West to West sixteenth line; thence North to East and West quarter line; thence East to East quarter corner of said Section 6; thence South to South sixteenth line of Section 5; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North line of said Section 5, Township 148 North, Range 91 West of the 5th P. M.; thence East to East sixteenth line of Section 34, Township 149 North, Range 91 West of the 5th P. M.; thence North to South sixteenth line; thence West to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner of said Section 34; thence South to South sixteenth line of Section 35; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence East to South quarter corner; thence North to North sixteenth line; thence West to West sixteenth line; thence North to North Section line; thence East to North quarter corner of said Section 35; thence North to center of Section 26; thence East to East sixteenth line; thence North to North Section line; thence West to North quarter corner of said Section 26; thence North to South sixteenth line of Section 23; thence West to West line of the East half of the Northeast quarter of the Southwest quarter ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$); thence North to East and West quarter line; thence West to West sixteenth line; thence North to North sixteenth line; thence West to West Section line; thence North to Northwest corner of said Section 23; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to West line of the East half of the West half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North Section line; thence West to North quarter corner of said Section 15; thence North to center of Section 10; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 9; thence North to South sixteenth line of Section 4; thence West to West sixteenth line; thence North to North Section line; thence West to Northwest corner of said Sec-

tion 4, Township 149 North, Range 91 West of the 5th P. M.; thence North to East quarter corner of Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to West quarter corner; thence South to Southwest corner of said Section 32, Township 150 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence South to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line; thence West to West Section line; thence South to North line of the South half of Lot 6 of said section; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South Section line; thence West to Southwest corner of said Section 6, Township 149 North, Range 91 West of the 5th P. M.; thence West to East sixteenth line of Section 1, Township 149 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to the East line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence South to South line of the Northwest quarter of the Southeast quarter of the Southwest quarter ($NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$); thence West to West Section line; thence South to Southwest corner of said Section 1; thence West to West sixteenth line of Section 11; thence South to North line of the South half of the Northeast quarter of the Northwest quarter ($S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northwest quarter of the Northeast quarter ($SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$); thence South to North sixteenth line; thence East to East sixteenth line; thence South to North line of the Southwest quarter of the Southeast quarter of the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence East to East line of the Southwest quarter of the Southeast quarter of the Northeast quarter ($SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$); thence South to East and West quarter line; thence East to East quarter corner; thence South to Southeast corner of said Section; thence West to East sixteenth line; thence North to South sixteenth line; thence West to North and South quarter line of Section 11; thence South to North sixteenth line of Section 14; thence West to East line of the West half of the Southwest quarter of the Northwest quarter ($W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence South to East and West quarter line; thence West to West quarter corner; thence South to Southwest corner of said Section 14; thence West to East sixteenth line of Section 15; thence North to East and West quarter line; thence West to the West line of the East half of the Southeast quarter of the Northeast quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) of Section 16; thence North to the North line of the Southeast quarter of the Northeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$); thence East to East Section line; thence North to Northeast corner of said Section 16; thence East to the South quarter corner of Section 10; thence North to South sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 10; thence West to East line of the West half of the Southeast quarter of the Southwest quarter ($W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$) of Section 3; thence North to South sixteenth line; thence West to West Section line; thence North to West quarter corner of said Section 3; thence West to center

of Section 4; thence South to South quarter corner; thence West to West sixteenth line; thence North to South line of the North half of the Northwest quarter of the Southwest quarter ($N\frac{1}{2}NW\frac{1}{4}-SW\frac{1}{4}$); thence West to West line of said Section 4; thence North to South line of the North half of the South half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$) of Section 5; thence West to North and South quarter line; thence North to North quarter corner; thence West to Northwest corner of said Section 5; thence South to North sixteenth line of Section 6; thence West to West sixteenth line; thence North to North line of said Section 6, Township 149 North, Range 92 West of the 5th P. M.; thence East to the West line of the East half of the Southeast quarter of the Southwest quarter ($E\frac{1}{2}SE\frac{1}{4}-SW\frac{1}{4}$) of Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 31, Township 150 North, Range 92 West of the 5th P. M.; thence West to East sixteenth line of Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence North to East and West quarter line; thence West to center of Section; thence South to South quarter corner of said Section 36, Township 150 North, Range 93 West of the 5th P. M.; thence West to the East line of the West half of the East half of the Northwest quarter of Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence South to East and West quarter line; thence West to West line of the East half of the Southwest quarter of the Northwest quarter ($E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence East to West sixteenth line; thence North to North line of said Section 1, Township 149 North, Range 93 West of the 5th P. M.; thence West to Southeast corner of Section 35, Township 150 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence West to East sixteenth line; thence South to South Section line; thence West to West sixteenth line; thence North to South sixteenth line; thence East to North and South quarter line; thence North to North sixteenth line; thence West to West sixteenth line; thence South to East and West quarter line of Section 35; thence West to West line of the East half of the East half of the Northeast quarter ($E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$) of Section 34; thence North to North Section line; thence West to North quarter corner; thence South to North sixteenth line; thence West to East sixteenth line of Section 33; thence North to North Section line; thence East to Northeast corner of said Section 33; thence North to East quarter corner of Section 28; thence West to West sixteenth line; thence North to North sixteenth line; thence West to East sixteenth line of Section 29; thence South to East and West quarter line; thence West to East line of the West half of the West half of the Southeast quarter ($W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$); thence South to South line of said Section 29; thence West to West sixteenth line of Section 32; thence South to North sixteenth line; thence West to West Section line; thence South to West quarter corner of said Section 32; thence West to East sixteenth line of Section 31; thence North to North Section line; thence East to Northeast corner of said Section 31; thence North to West quarter corner of Section 29; thence East to West sixteenth line; thence North to East and West quarter line of Section 20; thence West to West quarter corner of said

Section 20; thence North to North sixteenth line of Section 19; thence West to West line of said Section 19, Township 150 North, Range 93 West of the 5th P. M.; thence South to East quarter corner of Section 24, Township 150 North, Range 94 West of the 5th P. M.; thence West to West line of the East half of the Southwest quarter of the Northeast quarter ($E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$); thence North to North sixteenth line; thence East to East sixteenth line; thence North to North line of said Section 24; thence West to Southeast corner of Section 14; thence North to South sixteenth line; thence West to West line of said Section 14; thence South to Southeast corner of Section 15; thence West to Southwest corner of said Section 15; thence North to South sixteenth line of Section 16; thence West to North and South quarter line; thence North to North sixteenth line; thence East to North and South quarter line of Section 15; thence South to center of Section; thence East to East quarter corner of said Section 15; thence North to Northwest corner of Section 14; thence East to North quarter corner of Section 13; thence South to North sixteenth line; thence East to East Section line; thence North to Northeast corner of said Section 13; thence West to East sixteenth line of Section 12; thence North to South sixteenth line; thence West to North and South quarter line; thence North to center of Section; thence West to West line of the East half of the Southeast quarter of the Northwest quarter ($E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$); thence North to North sixteenth line; thence West to West line of Section 12; thence North to North sixteenth line of Section 2; thence West to East sixteenth line; thence North to North line of said Section 2, Township 150 North, Range 94 West of the 5th P. M.; thence North on East sixteenth line of Section 35, Township 151 North, Range 94 West of the 5th P. M. to the East and West quarter line; thence East to East quarter corner; thence North to North sixteenth line; thence West to East sixteenth line; thence North to South sixteenth line of Section 26; thence West to North and South quarter line; thence North to center of Section; thence East to East quarter corner of said Section 26; thence North to Southwest corner of Section 24; thence East to West sixteenth line; thence North to South sixteenth line of Section 13; thence West to West Section line; thence South to Southwest corner of said Section 13; thence West to East sixteenth line of Section 14; thence North to East and West quarter line; thence West to West line of the East half of the West half of the Northeast quarter ($E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$); thence North to North line of said Section 14; thence East to East sixteenth line of Section 11; thence North to South sixteenth line; thence West to West Section line; thence South to Southwest corner of said Section 11; thence West to East sixteenth line of Section 10; thence North to East and West quarter line; thence East to East quarter corner; thence North to Northeast corner of said Section 10; thence West to South quarter corner of Section 3; thence North to North line of the South half of the Northwest quarter of the Southeast quarter ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence East to the East line of the Southwest quarter of the Northeast quarter of the Southeast quarter ($SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$); thence South to South sixteenth line of Section 3; thence East to West sixteenth line of Section 2; thence South to South Section line; thence East to South

quarter corner of said Section 2; thence South on North and South quarter line of Section 11 to North sixteenth line; thence East to East sixteenth line; thence North to North Section line; thence East to Northeast corner of said Section 11; thence South to North sixteenth line of Section 12; thence East to North and South quarter line; thence North to North sixteenth line of Section 1; thence West to West sixteenth line; thence North to North line of Section 1, Township 151 North, Range 94 West of the 5th P. M.; thence North on the West sixteenth line of Section 36, Township 152 North, Range 94 West of the 5th P. M. to the South sixteenth line; thence East to North and South quarter line; thence North to North quarter corner; thence East to Northeast corner of said Section 36, Township 152 North, Range 94 West of the 5th P. M.; thence East to the South quarter corner of Section 30, Township 152 North, Range 93 West of the 5th P. M.; thence North to South sixteenth line; thence East to the East Section line; thence North to Northeast corner of said Section 30; thence East to South quarter corner of Section 20; thence North to South sixteenth line; thence East to West line of the East half of the Northwest quarter of the Southeast quarter ($E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$); thence North to East and West quarter line; thence East to East quarter corner; thence North to West quarter corner of Section 16; thence East to West sixteenth line; thence South to South sixteenth line; thence East to East sixteenth line; thence South to South Section line; thence East to Southeast corner of said Section 16; thence North to Southeast corner of Section 9; thence West to South quarter corner; thence North 2,441.3 feet along the North and South quarter line to the North boundary of the Ft. Berthold Indian Reservation line as surveyed; thence East with said Reservation line approximately two (2) miles to the low water line of the Missouri River at the left bank of said stream; thence downstream with said low water line approximately seven (7) miles to the East and West quarter line of Section 7, Township 151 North, Range 93 West of the 5th P. M.; thence East to center of Section; thence South to South quarter corner of said Section 7; thence West to the West sixteenth line of Section 18; thence South to South Section line; thence East to South quarter corner of said Section 18; thence South to North sixteenth line of Section 30; thence West to West sixteenth line; thence South to South sixteenth line; thence West to the West Section line; thence South to the Southwest corner of Section 31, Township 151 North, Range 93 West of the 5th P. M., being the same point as the point of beginning; also Lot 2, Southeast quarter of the Northeast quarter of the Southeast quarter ($SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$), Southeast quarter of the Southwest quarter of the Southeast quarter ($SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of Section 12, and that portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of said Section 13, Township 147 North, Range 87 West of the 5th P. M., containing in the aggregate, less water surface, 175,716.44 acres, more or less, EXCEPTING therefrom the following described lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N	92 W	5	Lot 1	40.10
147 N	91 W	2	Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$	158.20
147 N	92 W	4	Lots 3, 4 & 5	71.60
		5	Lots 1, 2, 3	75.62
147 N	94 W	32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
		14	W $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
		22	Lots 7, 8, 9, 11	102.45
		23	Lots 5, 6, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
148 N	91 W	17	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		33	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
148 N	92 W	32	Lots 4 & 5	66.03
149 N	91 W	11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
		23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
150 N	91 W	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00

McKENZIE COUNTY

152 N	93 W	15	SW $\frac{1}{4}$	160.00
		28	Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less erosions	62.91
		29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
		31	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	305.83
		32	Lots 1, 2, 3, 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ plus accretions	324.54
		33	Lot 2, plus accretions	13.91
152 N	94 W	36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

147 N	87 W	13	That portion of Lot 5 of Section 13 bounded on the North by the North Section line, on the East by the Ft. Berthold Indian Reservation Line, on the South by a line 660 feet South and parallel to the North Section line and on the West by a line 660 feet East and parallel to the North and South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$	160.00
		18	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	150.23
		19	Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	310.88
		20	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	82.50
		21	NE $\frac{1}{4}$, SE $\frac{1}{4}$	320.00
		22	Lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ less erosions	111.42
		23	Lots 3 & 4 less erosions	67.79
		30	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	391.19
147 N	88 W	14	W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
		17	S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		20	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	80.00
		24	W $\frac{1}{2}$ E $\frac{1}{2}$	160.00
		28	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		28	Tract of land described as follows: Beginning at a stake on the Section line between Sections 21 & 28 which is 13 chains West of the NE Section corner of Section 28; thence running N 89°-44' W a distance of 4 chains; thence South 5 chains; thence N 89°-44' E a distance of 4 chains and thence North to the place of beginning, the land described being embraced in Section 28, Township 147 North, Range 88 West of the 5th P. M. containing 2 acres.	2.00
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		36	Lots 1, 2 & 3	53.00
147 N	89 W	1	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
		6	Lot 4	35.90
		12	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$	200.00
147 N	90 W	3	Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	119.94
		4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	45.00
		5	Lots 1, 2, 4 and S $\frac{1}{2}$ NE $\frac{1}{4}$	198.26
148 N	89 W	30	Lot 4	35.14
148 N	90 W	19	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.52
		20	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	80.00
		21	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
148 N	90 W	25	S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		26	W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$	120.00
		27	SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	240.00
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
		29	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$	360.00
		30	Lots 3 & 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	311.47
		31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$	311.81
		32	SW $\frac{1}{4}$	160.00

McLEAN COUNTY—Continued

Township	Range	Section	Description	Acres
143 N	90 W	33	SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	280.00
		34	SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	160.00
		35	N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
		36	W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	200.00
148 N	91 W	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	268.44
		2	Lots 1 & 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	377.35
		12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
		23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
148 N	91 W	24	SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		25	NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$	480.00
		26	Lots 4 & 5 plus accretions	74.88
		36	NE $\frac{1}{4}$	160.00
149 N	90 W	8	SE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	280.00
		10	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		12	S $\frac{1}{2}$ SE $\frac{1}{4}$	160.00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
		14	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	280.00
		15	NE $\frac{1}{4}$	160.00
		16	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	160.00
		17	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	122.50
		18	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	278.87
		19	NE $\frac{1}{4}$	160.00
		20	W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		21	S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00
		22	N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	100.00
		23	N $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	100.00
		27	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		28	NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	160.00
		29	SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	240.00
		31	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
149 N	91 W	32	S $\frac{1}{2}$	320.00
		33	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
		13	Lot 1	45.78
		1	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
150 N	91 W	2	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$	239.36
		4	Lots 1 & 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$	158.44
		6	Lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	319.21
		9	SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, 1 acre in the extreme SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$	201.00
		10	NE $\frac{1}{4}$, Lots 1, 2, 3 and SW $\frac{1}{4}$ SW $\frac{1}{4}$	259.60
		11	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120.00
		12	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	560.00
		13	NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$	480.00
150 N	91 W	14	Lots 1, 2, 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	239.00
		15	Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$	397.30
		16	S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, also the following described tract: Beginning at a stake on the Section line between Sections 9 and 16; thence running due West a distance of 4 chains; thence due South 10 chains; thence due East 4 chains; thence due North to place of beginning, in Section 16 in Township 150 North, Range 91 West of the 5th P. M., containing 4 acres.	89.00
		17	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	42.50
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		19	Lot 3	33.83
		23	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
		24	Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	248.05

MERCER COUNTY

146 N	88 W	4	Lots 1, 2, 3 & 4	356.11
		5	Lots 1 & 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	288.29
		8	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	240.00
		9	NW $\frac{1}{4}$	160.00
146 N	89 W	2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		11	N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	360.00
147 N	89 W	18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
		19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		27	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$	240.00
147 N	90 W	29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
		25	E $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

MOUNTRAIL COUNTY

Township	Range	Section	Description	Acres
150 N.-----	92 W.-----	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
		23	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
		26	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	160.00
		28	S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
		29	E $\frac{1}{2}$ -----	320.00
		33	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		34	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ -----	120.00
		35	N $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
		36	S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
		14	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
150 N.-----	93 W.-----	15	N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	120.00
		16	Lot 1 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ plus accretions-----	79.97
		17	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
		22	N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	40.00
		23	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	160.00
		25	Lots 1, 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ plus accretions-----	178.26
		26	N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	20.00

said exceptions, as tabulated above, containing 20,804.83 acres, more or less.

Total area of lands held by the Three Affiliated Tribes within the Reservation Boundaries and within the Taking Line of the Garrison Reservoir is 154,911.61 acres, more or less.

PART B—RURAL AREAS

MOUNTRAIL COUNTY

Township	Range	Section	Description	Acres
151 N.-----	92 W.-----	24	W $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
151 N.-----	93 W.-----	6	Lot 5-----	32.11
		7	Lot 2-----	10.69
		8	NW $\frac{1}{4}$ -----	160.00
152 N.-----	93 W.-----	22	Lot 3-----	29.24
		23	Lots 1 & 2-----	65.76
		27	Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	67.97
		32	Lots 4, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	98.12
			Total-----	543.89

PART C—IN TOWNSITES OF VAN HOOK AND SANISH, NORTH DAKOTA

VAN HOOK

(All numbers inclusive)

Block	Lots	Block	Lots
8 & 9-----	All.	28 to 29-----	All.
10-----	3, 5 to 16.	30-----	9 to 16.
15-----	6, 15, 16.	31-----	All.
16-----	9, 10, 16.	33 to 36-----	All.
17-----	8, 9, 10, 12 to 15.	37-----	5 to 16.
18-----	All.	38 to 40-----	All.
19-----	2 to 9.	41-----	1, 2, 9 to 16.
20 to 26-----	All.	42-----	All.
27-----	1 to 8.		

SANISH

Block	Lots	Block	Lots
1 to 14.....	All.	49.....	1, 4 to 12.
15.....	1 to 17, 19, 20.	50.....	7 to 12.
16 & 17.....	All.	51 & 52.....	All.
18.....	1 to 6, 9, 10, 12.	53.....	1 to 6, 9 to 12.
19 & 20.....	All.	54.....	8, 9, 10, 12.
21.....	1 to 9.	55.....	7, 8.
22.....	1 to 6, 10.	56.....	10, 11, 12.
23 & 24.....	All.	57.....	10, 11.
25.....	1, 2, 3.	58.....	9 to 12.
26.....	1 to 6, 8, 11, 12.	59.....	5, 6.
27.....	1, 2, 9, 11.	60.....	1 to 6.
28.....	2, 11, 12.	61.....	1, 2, 3, 9 to 20.
29 & 30.....	All.	62.....	1 to 5, 8.
32.....	1 to 6, 11.	65.....	3 to 6.
33.....	1 to 6.	66.....	1 to 4, 6.
34.....	2 to 8, 12 to 20.	67.....	1 to 15.
35 & 36.....	All.	68.....	1 to 6, 8 to 12.
37.....	1 to 7, 10 to 12.	69.....	5, 6, 7.
39.....	1 to 6, 12.	70.....	1, 2, 4.
40.....	All.	71 & 72.....	All.
41.....	1 to 14, 19, 20.	73.....	3, 7 to 12.
42.....	2, 4, 8.	74.....	All.
44.....	2 to 7.	75.....	1, 2, 7 to 10.
46.....	1 to 3, 9, 10, 12.	76 to 81.....	All.
47.....	2 to 6, 9.	82.....	1, 2, 3.
48.....	1 to 6, 8 to 12.	84.....	3.

PART D—PUBLIC RESERVES IN TOWNSITES OF SANISH AND VAN HOOK,
NORTH DAKOTA

VAN HOOK

Block	Lots
32.....	All.

SANISH

31.....	All.
42.....	6, 7.
43.....	All.

Part E, all rights in coal heretofore reserved to the Tribes in the following described lands:

DUNN COUNTY

Township	Range	Section	Description	Acres
146 N.....	92 W.....	5	Lot 1.....	40.10
147 N.....	92 W.....	4	Lots 3, 4 & 5.....	71.60
		5	Lots 1, 2 & 3.....	75.62
147 N.....	94 W.....	32	Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	149.36
		22	Lots 7, 8, 9 & 11.....	102.45
148 N.....	92 W.....	23	Lots 5, 6, 7 & 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	209.81
		32	Lots 4 & 5, S $\frac{1}{2}$ SW $\frac{1}{4}$	146.03
149 N.....	91 W.....	14	S $\frac{1}{2}$ NW $\frac{1}{4}$	80.00

McKENZIE COUNTY

152 N.....	93 W.....	29	N $\frac{1}{2}$, SW $\frac{1}{4}$	480.00
152 N.....	94 W.....	31	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	148.88
		36	NE $\frac{1}{4}$	160.00

McLEAN COUNTY

Township	Range	Section	Description	Acres
147 N-----	87 W-----	13	That portion of Lot 5 bounded on the North Section line, on the East by the Fort Berthold Indian Reservation Line, on the South by a line 600 feet South and parallel to the North Section line and on the West by a line 600 feet East and parallel to the North & South quarter line of Section 13.	11.58
		17	NW $\frac{1}{4}$ -----	160.00
		30	N $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
147 N-----	88 W-----	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
		21	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
148 N-----	90 W-----	21	S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
149 N-----	90 W-----	12	S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
		13	N $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
		16	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
		17	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
150 N-----	91 W-----	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
		14	N $\frac{1}{2}$ SW $\frac{1}{4}$ -----	80.00
		18	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00

MERCER COUNTY

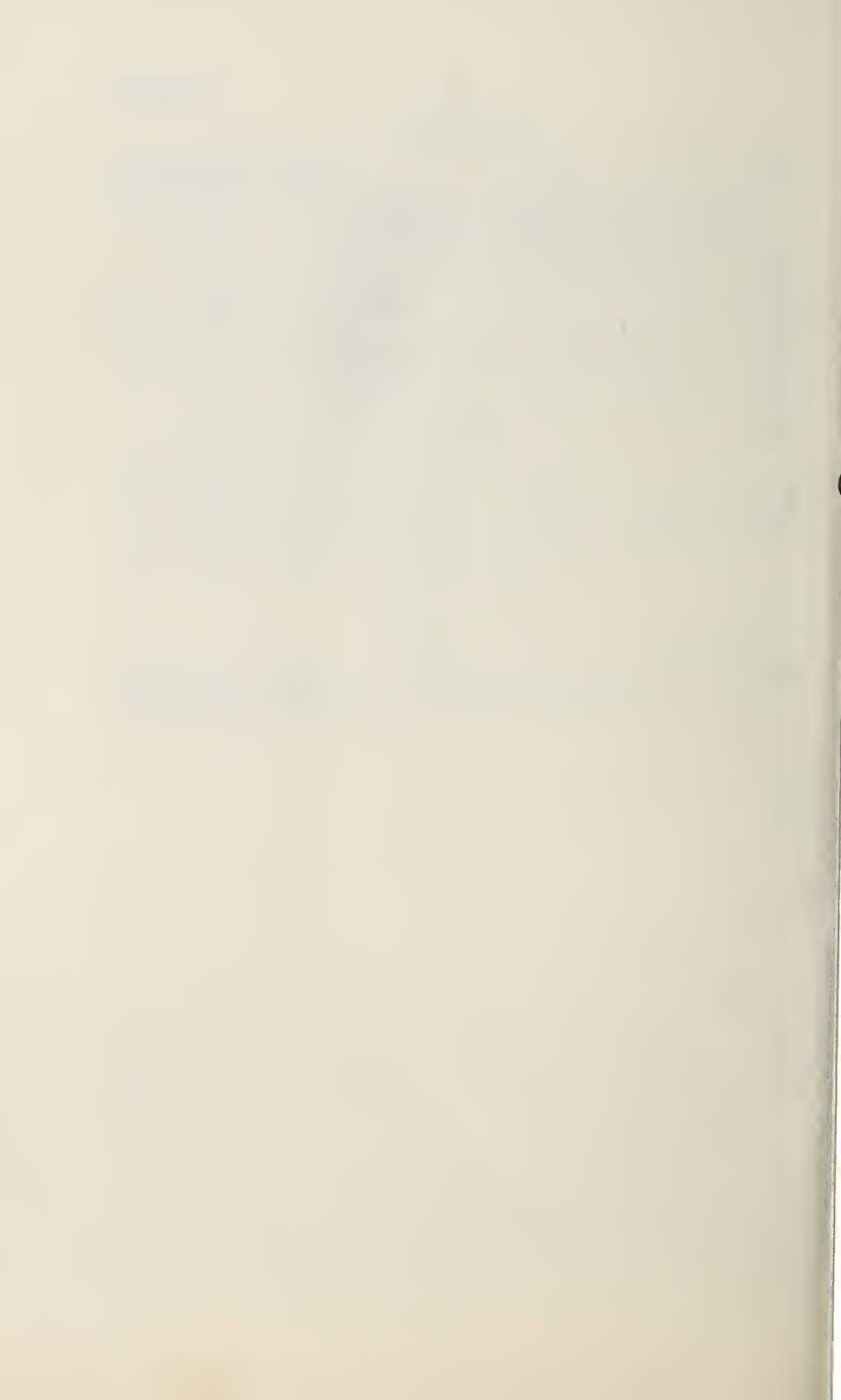
146 N-----	88 W-----	4	Lots 1 & 2-----	85.90
147 N-----	89 W-----	28	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ -----	240.00
		29	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00

MOUNTRAIL COUNTY

150 N-----	93 W-----	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
			Grand total-----	2,881.33

Together with all rights in coal reserved to the Tribes in patents issued for other lands within the Garrison Reservoir.

Approved October 29, 1949.



Administrator

November 22, 1949

Charles U. Samenow, Consultant

Public Law 437, 81st Congress, 1st Session (H.J. Res. 33) Three Affiliated Tribes - Fort Berthold Reservation, North Dakota - Garrison Dam Project

Public Law 437 provides for the vesting of title in the United States to certain Indian lands required for the Garrison Dam Project. Section 14 reads as follows:

"When electric power is available from Garrison Dam Project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as if said tribes and members thereof were named in said Rural Electrification Act of 1936.

When H.J. Res. 33 came before the Department of Agriculture in enrolled form for recommendation by the Secretary with respect to its approval by the President, the following paragraph, suggested by me, was included in the Secretary's letter dated October 24, 1949, recommending that the President approve the bill:

"It is noted that section 14 provides that the Three Affiliated Tribes and the members thereof shall have certain rights and privileges with respect to Garrison Dam power. Reference is made in said section to the Rural Electrification Act of 1936. That Act does not, in and of itself, accord preference to cooperative associations and others with respect to Federally developed power. These preference provisions are to be found in the Flood Control Act of 1944 and the Reclamation Acts. However, the intent of section 14 is sufficiently apparent. It is assumed that the rights of the Tribes would relate only to electric power which is required for the Indians' own use."

This language was drafted on the assumption that section was intended to confer upon the Indians' involved rights to power from Garrison Dam and not to loans from REA.

Further question was raised with respect to the meaning of section 14 by the Associate Solicitor in charge of Rural Electrification in connection with preparation of the revised codification of the Rural Electrification Act. The question was whether it was necessary to incorporate section 14 as an amendment of the basic act. It was decided in the negative upon investigation of the background and legislative history of the section which is outlined in this memorandum.

Charles U. S. Morrow, Consultant

Public Law #37, 81st Congress, 1st Session (H.R. 33) Three Affiliated Tribes - Fort Berthold Reservation, North Dakota - Garrison Dam Project

Public Law #37 provides for the vesting of title in the United States to certain Indian lands required for the Garrison Dam Project. Section 14 reads as follows:

"When electric power is available from Garrison Dam Project, the said Three Affiliated Tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations and others by the Rural Electrification Act of 1936 and all Acts amendatory thereof or supplemental thereto as fully as if said tribes and members thereof were named in said Rural Electrification Act of 1936.

When H.R. 33 came before the Department of Agriculture in enrolled form for recommendation by the Secretary with respect to his approval by the President, the following paragraph, suggested by me, was included in the Secretary's letter dated October 24, 1940, recommending that the President approve the bill:

"It is noted that section 14 provides that the Three Affiliated Tribes and the members thereof shall have certain rights and privileges with respect to Garrison Dam power. Reference is made in said section to the Rural Electrification Act of 1936. That Act does not, in and of itself, accord preference to cooperative associations and others with respect to federally developed power. These preference provisions are to be found in the Flood Control Act of 1944 and the Reclamation Act. However, the intent of section 14 is sufficiently apparent. It is assumed that the rights of the Tribes would relate only to electric power which is reserved for the Indians' own use."

This language was drafted on the assumption that section was intended to confer upon the Indians' reserved rights to power from Garrison Dam and not to limit them.

Further question was raised with respect to the meaning of section 14 by the Associate Solicitor in charge of Rural Electrification in connection with preparation of the revised codification of the Rural Electrification Act. The question was whether it was necessary to incorporate section 14 as an amendment of the basic act. It was decided in the negative upon investigation of the background and legislative history of the section which is outlined in this memorandum.

2-Administrator-11-22-49

As originally introduced by Rep. Lemke of North Dakota, H.J. Res. 33 contained section 5 which required that a block of 20,000 kw of Garrison power be set aside for the Three Affiliated Tribes, to be paid for at a rate not to exceed 2 mills per kwh.

When the bill was reported out of the House Committee on Public Lands (H. Rep. No. 544), amendment of section 5 was recommended, in accordance with the Interior Department's suggestions, to require payment for the power at the lowest wholesale rate and to provide for the construction of distribution facilities at the expense of the United States. These amendments were incorporated in the bill as it passed the House on June 6, 1949.

When H.J Res. 33 was reported out by the Senate Committee on Interim and Insular Affairs (S. Rep. No. 605), it contained no electric power provision. The Committee Report did not mention power. The bill passed the Senate on July 6, 1949, in form as reported without debate and without reference to power.

The Conference Committee report (H. Rep. No. 1458), dated October 19, 1949, adopted the compromise provision on power which appears in the enacted bill as Section 14 (as quoted above). The statement of the House managers does not discuss Section 14 nor does it mention power. The Conference Report was adopted in the Senate without debate on October 18, 1949 (Vol. 95, Daily Cong. Rec. No. 195, p. 15202); and in the House, after brief discussion but no mention of Section 14 or of power, on October 19, 1949 (Vol. 95, Daily Cong. Rec. No. 196, p. 15242).

On November 2, 1949, I called Mr. Albert A. Grorud, a professional member of the staff of the Senate Committee on Interim and Insular Affairs to whom I had been referred by the House Committee staff. Mr. Grorud who was completely informed on H.J. Res. 33, its background and history, confirmed my interpretation of Section 14 as not involving the Indians' rights to loans from REA, and as intending to confer upon the Indians' rights with respect to Garrison Dam power equal to those accorded to persons eligible for REA loans. Mr. Grorud stated that Section 14 was written by Rep. Lemke and represented a compromise of his demand for the reservation of a block of power for the Indian tribes.

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Charles U. Samenow

As originally introduced by Rep. Lammie of North Dakota, H.R. 33 contained section 2 which required that a block of 20,000 kw of generation power be set aside for the three affiliated Tribes, to be paid for at a rate not to exceed 2 mills per kw.

When the bill was reported out of the House Committee on Public Lands (H. Rep. 50, 2d amendment of section 2) was recommended, in accordance with the Interior Department's suggestions, to require payment for the power at the lowest wholesale rate and to provide for the construction of distribution facilities at the expense of the United States. These amendments were incorporated in the bill as it passed the House on June 2, 1949.

When H.R. 33 was reported out of the Senate Committee on Indian and Insular Affairs (S. Rep. No. 402), it contained no electric power provision. The Committee report did not mention power. The bill passed the Senate on July 6, 1949, in form as reported without debate and without reference to power.

The Conference Committee report (H. Rep. No. 1428), dated October 19, 1949, adopted the compromise provision on power which appears in the enacted bill as section 14 (as quoted above). The statement of the House managers does not discuss section 14 nor does it mention power. The Conference Report was adopted in the Senate without debate on October 18, 1949 (Vol. 95, Daily Cong. Rec. No. 127, p. 12502); and in the House, after brief discussion but no mention of section 14 or of power, on October 19, 1949 (Vol. 95, Daily Cong. Rec. No. 126, p. 12482).

On November 2, 1949, I called Mr. Albert A. Grooms, a professional member of the staff of the Senate Committee on Indian and Insular Affairs to whom I had been referred by the House Committee staff. Mr. Grooms who was completely informed as to the background and history, confirmed my interpretation of section 14 as not involving the Indians' rights to lands from BIA, and as intending to confer upon the Indians' rights with respect to generation and power equal to those accorded to persons eligible for RIA lands. Mr. Grooms stated that section 14 was written by Rep. Lammie and represented a compromise of his demand for the reservation of a block of power for the Indian Tribes.

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Charles H. Lammie

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